

The Gazette of India



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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 16th January 1964 :—

Issue No.	No. and Date	Issued by	Subject
10	S.O. 183, dated 8th January 1964.	Cabinet Secretariat	Amendment in the Govt. of India (Allocation of Business) Rules, 1961.
11	S.O. 184, dated 10th January 1964.	Ministry of Law	Declaration containing the name of the candidate elected in the constituency referred to therein.
12	S.O. 185, dated 10th January, 1964.	Ministry of Labour and Employment	Direction that Defence of India Rules shall also be exercisable by West Bengal Government.
13	S.O. 186, dated 13th January, 1964.	Ministry of Information and Broadcasting	Approval of films specified therein.
14	S.O. 187, dated 13th January, 1964.	Ministry of Industry	Exempting from the operation of certain sections of the Industries (Development and Regulation) Act, 1951 undertakings specified therein.
15	S.O. 246, dated 16th January, 1964.	Election Commission, India.	Appointing the Dy. Commissioner, Tuensang District to be the Electoral Registration Officer for Tuensang District of Nagaland.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 11th January 1964

S.O. 252.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission, in consultation with the Government of Tripura, hereby nominates Shri A. K. De, as the Chief Electoral Officer for the Union Territory of Tripura with effect from the fore-noon of the 1st January, 1964, and until further orders *vice* Shri Sunil Chandra Majumdar.

[No. 154/19/64.]

New Delhi, the 13th January 1964

S.O. 253.—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951, the Election Commission hereby makes the following amendment in the Table appended to its notification No. 434/PB/62(1), dated the 12th January, 1962, as amended from time to time, namely:—

Against item No. 1—Kangra, in column 3, for the entry “1—Additional Deputy Commissioner, Kulu”, the entry “1—General Assistant, Kulu”, shall be substituted.

[No. 434/PB/63(1).]

By Order,

PRAKASH NARAIN, Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 17th January 1964

S.O. 254.—By virtue of the powers conferred under section 41(a) of the Arms Act, 1959, the Central Government is pleased to exempt His Imperial Highness Prince Abdul Reza, brother of the Shah of Iran, and his party from the operation of the prohibitions and directions imposed under the Arms Act and the rules framed thereunder in respect of the import into India, possession in India, carrying through India and export out of India, the arms and ammunition brought by him during the period of his stay in India from about 17th January to 30th January, 1964.

[No. 17/2/64-Police-IV.]

M. SIVAGNANAM, Dy. Secy.

New Delhi, the 17th January 1964

S.O. 255.—The President has in pursuance of regulation 27 of the Union Public Service Commission (Conditions of Service) Regulations made the following order:—

ORDER

In pursuance of Regulation 27 of the Union Public Service Commission (Conditions of Service) Regulations, the President hereby directs that in respect of the allotment of buildings owned or leased or requisitioned by the Central Government, the conditions of service of a person serving—

- (i) as the Chairman of the Union Public Service Commission, shall be governed by the rules and orders for the time being applicable to a Secretary to the Government of India,

(ii) as a Member of the Commission, shall be governed by the rules and orders for the time being applicable to an Additional Secretary to the Government of India,

and shall always be deemed to have been so governed.

[No. 19/5/62-Ests(B).]

B. D. JAYAL, Dy. Secy.

MINISTRY OF FINANCE
(Department of Economic Affairs)
New Delhi, the 20th January 1964

S.O. 256.—Statement of the Affairs of the Reserve Bank of India, as on the 10th January 1964
BANKING DEPARTMENT

LIABILITIES		ASSETS	
	Rs.		Rs.
Capital paid up	5,00,00,000	Notes	15,59,74,000
Reserve Fund	80,00,00,000	Rupee Coin	1,77,000
National Agricultural Credit (Long Term Operations) Fund	73,00,00,000	Small Coin	3,23,000
National Agricultural Credit (Stabilisation) Fund	8,00,00,000	National Agricultural Credit (Long Term Operations) Fund	
Deposits :—		(a) Loans and Advances to :—	
(a) Government		(i) State Governments	26,89,63,000
(i) Central Government	51,96,34,000	(ii) State Co-operative Banks	8,76,18,000
(ii) State Governments	15,44,54,000	(iii) Central Land Mortgage Banks . . . . .	..
(b) Banks		(b) Investment in Central Land Mortgage Bank Debentures	3,59,36,000
(i) Scheduled Banks	78,71,57,000	National Agricultural Credit (Stabilisation) Fund	
(ii) State Co-operative Banks	2,03,38,000	Loans and Advances to State Co-operative Banks . . . . .	..
(iii) Other Banks	1,92,000	Bills purchased and Discounted :—	
(c) Others	18,2,02,00,000	(a) Internal . . . . .	..
Bills Payable	36,45,29,000	(b) External . . . . .	..
Other Liabilities	48,23,87,000	(c) Government Treasury Bills	86,09,09,000
		Balances Held Abroad*	9,29,13,000
		Loans and Advances to Governments**	39,85,61,000
		Loans and Advances to :—	
		(i) Scheduled Banks†	31,31,75,000
		(ii) State Co-operative Banks††	133,24,47,000
		(iii) Others	1,82,45,000
		Investments	196,53,51,000
		Other Assets	27,82,99,000
Rupees	580,88,91,000	Rupees	580,88,91,000

*Includes Cash and Short-term Securities.

**Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 12,54,50,000 advanced to scheduled banks against usance bills under section 17(4) (c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 15th day of January, 1964.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 10th day of January, 1964

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	15,59,74,000		Gold Coin and Bullion :—		
Notes in circulation	2412,48,77,000		(a) Held in India	117,76,10,000	
			(b) Held outside India . . . .	..
Total Notes issued		2428,08,51,000	Foreign Securities	97,45,69,000	
			TOTAL		215,21,79,000
			Rupee Coin		113,55,70,000
			Government of India Rupee Securities		2099,31,02,000
			Internal Bills of Exchange and other . . . .		..
			Commercial paper . . . .		..
TOTAL LIABILITIES		2428,08,51,000	TOTAL ASSETS		2428,08,51,000

Dated the 15th day of January 1964.

P. C. BHATTACHARYYA,
Governor.

[No. F. 3(2)-BC/64.]

Secy.

(Department of Economic Affairs)

CORRIGENDUM

INSURANCE

New Delhi, the 16th January 1964

S.O. 257.—Corrigendum to the notification of the Ministry of Finance (Department of Economic Affairs) No. S.O. 3219 published in Part II Section 3 Sub-section (ii) of the Gazette of India dated the 23rd November, 1963:—

"In line 1 of clause (a) under paragraph 3 read 'in' for 'is'".

[No. 51(7)-INS/I/63.]

S. S. SHARMA, Under Secy.

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 17th January 1964

S.O. 258.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following further amendments in the Schedule appended to the late Central Board of Revenue's Notification S.O. 1480 (No. 25-Income-tax dated 21st May 1963), dated 1st June, 1963, namely:—

In the said Schedule against 'A' Range, Jaipur and 'B' Range, Jaipur under column 2, the following shall be substituted, namely:—

'A' Range, Jaipur.

1. A, Addl. A, C and E Wards, Jaipur.
2. Special Investigation Circles 'A' & 'B', Jaipur.
3. All Income-tax Wards having headquarters at Kotah.

'B' Range, Jaipur.

1. Estate Duty-cum-Income-tax Circles, Jaipur.
2. B, Addl. B, D, F and G Wards, Jaipur.
3. Beawar.
4. All Income-tax Wards having headquarters at Sriganganagar.
5. Bharatpur, A and B Wards, Bharatpur.
6. A and B Wards, Ajmer.
7. Multipurpose Project Circle, Ajmer.
8. Salary Circles-I and II, Jaipur.
9. Alwar and Addl. Alwar.

This notification shall take effect from 25th January, 1964.

Explanatory Note.

The amendments have become necessary on account of re-organisation of the above ranges in the Commissioner's charge.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 3 F. No. 50/10/63-IT.]

S. DWIVEDI, Under Secy.

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, BANGALORE

Bangalore, the 19th November 1963

S.O. 259.—In exercise of the powers conferred upon me under Section 8 of the Customs Act, 1962 (52 of 1962), I specify that the limits of the following ports

in South Kanara District shall be as declared by the Government of Mysore in their Notification No. PWD 35 ESP/62-2 dated the 24th January, 1963.

- (1) Mangalore
- (2) Malpe
- (3) Hangarkatta
- (4) Coondapur
- (5) Baindur.

[C. No. VIII/5/4/63(Cus.).]

A. K. ROY, Collector.

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, BARODA

CENTRAL EXCISES

Baroda, the 21st November 1963

S.O. 260.—In pursuance of Rule 85 of the Central Excise Rules, 1944, I hereby empower the Chemical Examiner, Customs House, Bombay to determine the sucrose content of sugar in cases of dispute.

[No. 3/63.]

D. R. KOHLI, Collector.

MINISTRY OF INTERNATIONAL TRADE

New Delhi, the 18th January 1964

S.O. 261.—The Central Government, having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) by The Calcutta Wheat, Seeds and Bullion Association, 149, Cotton Street, Calcutta, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act, recognition to the said Association for a further period of one year from the 31st January, 1964 upto the 30th January, 1965 both days inclusive, in respect of forward contracts in linseed in the city of Calcutta.

2. The recognition hereby granted is subject to the condition that the said Association shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[No. 34(1)-Com(Genl)(FMC)/63.]

M. L. GUPTA, Under Secy.

(Office of the Jt. Chief Controller of Imports and Exports)

NOTICE

Bombay, the 4th January 1964

S.O. 262.—It is hereby notified that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of International Trade propose to treat as *ab-initio*-void the licence No. 974885.EP. IV. 62/62/EPS/CCI/Jt. B, dated 21st August, 1963, valued at Rs. 14,927 for import of Art Silk Yarn and Rs. 299 for Coal Tar Dyes and Textile Chemicals from G.C.A. except the Union of South Africa and South West Africa standing in the name of M/s. Jai Krishna & Co., 34-D, Moongbhatx Lane, Bombay-4, unless sufficient cause against this is furnished to the Dy. Chief Controller of Imports and Exports, Bombay within ten days of the date of issue of this notice by the said M/s. Jai Krishna & Co., 34-D, Moongbhatx Lane, Bombay-4 or any bank or any other party, who may be interested in it.

[No. 1/323/63/CDN.II.]

(Smt.) M. D'COSTA,

Dy. Chief Controller of Imports and Exports.

MINISTRY OF FOOD AND AGRICULTURE

(Department of Agriculture)

New Delhi, 15th January 1964

S.O. 263 In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules to amend the General Central Services Class III and Class IV (additional) Posts (Central Mechanised Farm, Suratgarh) Recruitment Rules, 1962, namely :—

1. These rules may be called the General Central Services Class III and Class IV (additional) Posts (Central Mechanised Farm, Suratgarh) Recruitment (Amendment) Rules, 1964.

2. In the Schedule to the General Central Services Class III and Class IV (additional) Posts (Central Mechanised Farm, Suratgarh) Recruitment Rules, 1962, after item 1 and the entries relating thereto the following item and entries shall be inserted, namely :—

1	2	3	4	5	6	7	8	9
1 A. Foreman	General Central Service Class III (Non-Ministerial) Non-gazetted.	Rs. 270—15— 435—20— 475	1	..	100%	..	..	Not applicable
10	11	12	13					
Not applicable.	2 years	Not applicable.	From the post of chargemen who have a least 10 years experience of service in the line and have passed at least matriculation or equivalent Examination.					

[No. 8-59/63-FR. 84.]

A. C. JAIN, Under Secy.

(Department of Agriculture)

New Delhi, the 18th January 1964

S.O. 264.—In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby makes the following rules to amend the Essential Oils Grading and Marking Rules, 1954, the same having been previously published as required by the said Section, namely :—

1. These rules may be called the Essential Oils Grading and Marking (Amendment) Rules, 1964.

2. In Schedule V to the Essential Oils Grading and Marking Rules, 1954—

(i) for the words "Palmarosa Oil", wherever they occur, the words "Oil of Palmarosa" shall be substituted;

(ii) in column 6—

(a) for the heading "Saponification value", the heading "Percentage of ester (as Geranyl acetate)" shall be substituted;

(b) for the figures, words and brackets "9 to 36 (3 to 12 per cent of esters as geranyl acetate)" the figures and word "3 to 12" shall be substituted;

(iii) in column 7—

(a) for the heading "Saponification value after acetylation", the heading "Ester value after acetylation" shall be substituted;

- (b) for the figures and word "266 to 284" wherever they occur the figures and word "266 to 280" shall be substituted;
- (iv) in column 8, for the figures "90" and "88" the figures "92" and "90", shall respectively be substituted.

[No. F. 16-1/63-A.M.]

(Department of Agriculture)

CORRIGENDUM

New Delhi, the 14th January 1964

S.O. 265.—In the notification of the Government of India in the Ministry of Food and Agriculture (Department of Agriculture) No. 3159, dated the 31st October, 1963, published at pages 3973 to 3980 in the Gazette of India, Part II, Section 3—Sub-section (ii), dated the 9th November, 1963

- (1) at page 3978, in Schedule IV under the column headed "Description" against Grade "BB" for "Plemules" read "Plumules";
- (2) at page 3979, in Schedule V, under the column headed "General characteristics" against Grade "SPS or SPIA" for immatu y have spots" read "immature nuts and may have spots".

[No. F. 17-6/63-A.M.]

V. S. NIGAM, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 15th January 1964

S.O. 266.—Whereas the members of the Senate of the Panjab University, have in pursuance of Section 3(d) of the Dentists Act, 1948 (16 of 1948) elected Col. Amir Chand, M.B.B.S., F.R.C.P. (Edin), New Delhi, as a member of the Dental Council of India *vice* Dr. S. R. Dhall whose term of office has expired under Section 6(1) of the Act,

Now, therefore, in pursuance of the provisions of section 3 of the said Act, the Central Government hereby appoints Col. Amir Chand as a member of the Dental Council of India constituted by it in pursuance of the said section and makes the following further amendment in the notification of the Government of India in the Ministry of Health No. 3-2/62-MII, dated the 17th October, 1962.

In the said notification in the entries under the heading "Elected under sub-section (d) of section 3", for the entry against serial No. 4, the following entry shall be substituted, namely:—

"4. Col. Amir Chand, M.B.B.S., F.R.C.S. (Edin) 12, Curzon Road, New Delhi."

[No. F. 3-48/63-MPT.]

S.O. 267.—Whereas Dr. Jai Chandra, M.B.B.S., L.D.S.R.C.S. (England), Professor of Dentistry, Patna Dental College, Patna, has been nominated under clause (e) of section 3 of the Dentists Act, 1948 (16 of 1948), by the Government of Bihar to represent that State on the Dental Council of India;

Now, therefore, in pursuance of the provisions of section 3 of the said Act, the Central Government hereby appoints Dr. Jai Chandra, as a member of the Dental Council of India, constituted by it in pursuance of said section and makes the following further amendment in the notification of the Government of India in the Ministry of Health, No. F. 3-2/62-MII, dated the 17th October, 1962, namely:

In the said notification, in the entries under the heading "Nominated under sub-section (e) of section 3," for the entry 4, the following entry shall be substituted, namely:—

"4. Dr. Jai Chandra, M.B.B.S., L.D.S.R.C.S. (England), Professor of Dentistry, Patna Dental College, Patna."

[No. F. 3-2/62-MPT.]

B. B. L. BHARADWAJ, Under Secy.

MINISTRY OF TRANSPORT**(Transport Wing)***New Delhi, the 15th January 1964*

S.O. 268.—In modification of the late Ministry of Transport and Communications (Department of Communications and Civil Aviation) Notification No. 20-CA (5)/62, dated the 18th October, 1962, the Central Government, in consultation with the Indian Airlines, have appointed Shri J. N. Guzder, as a Member of the Advisory Committee of the Indian Airlines Corporation *vice* Shri G. K. Khanna for rest of the term of the Committee.

[No. 20-AC(5)/62.]

K. GOPALAKRISHNAN, Dy. Secy.

MINISTRY OF RAILWAYS**(Railway Board)***New Delhi, the 15th January 1964*

S.O. 269.—In exercise of the powers conferred by clauses (f) and (g) of sub-section (1) of section 47 of the Indian Railways Act, 1890 (9 of 1890), read with the notification of the Government of India in the late Department of Commerce and Industry No. 801 dated the 24th March, 1905, the Railway Board hereby makes the following further amendments in the rules published with the notification of the Government of India in the Ministry of Railways (Railway Board) No. TCIII/3036/58/Notification dated the 28th August, 1958, as subsequently amended namely:—

In the said rules, in the table containing the rates of demurrage charges below
"II RULES FOR REGULATING THE USE OF ROLLING STOCK, ENGINES AND TRAINS"—

(a) *against item (i) in column 2, for the existing entry the following entry shall be substituted, namely:—*

"In the case of a group of 20 BOX-wagons or more placed at a time for loading by one party, 10 working hours from the time at which the wagons are placed in position for loading;

In the case of a group of 11 to 19 BOX-wagons placed at a time for loading by one party, 7 working hours from the time at which the wagons are placed in position for loading;

In the case of a group of 1 to 10 BOX-wagons placed at a time for loading by one party, 5 working hours from the time at which the wagons are placed in position for loading;

In the case of BFR wagons 9 working hours from the time at which the wagons are placed in position for loading;

In the case of all other types of wagons 5 working hours from the time at which the wagons are placed in position for loading;"

(b) *against item (ii) in column 2, for the existing entry the following entry shall be substituted, namely:—*

"In the case of a group of 20 BOX-wagons or more loaded with any commodity placed at a time for unloading by one party, 12 working hours from the time at which the wagons are placed in position for unloading;

In the case of a group of 1 to 19 BOX-wagons loaded with billets or other heavy iron and steel material only placed at a time for unloading by one party, 9 working hours from the time at which the wagons are placed in position for unloading;

In the case of a group of 11 to 19 BOX-wagons loaded with commodities other than billets or other than heavy iron and steel material placed at a time for unloading by one party, 8 working hours from the time at which the wagons are placed in position for unloading;

In the case of a group of 1 to 10 BOX-wagons loaded with commodities other than billets or other than heavy iron and steel material placed

at a time for unloading by one party, 5 working hours from the time at which the wagons are placed in position for unloading;

In the case of BFR wagons, 9 working hours from the time at which the wagons are placed in position for unloading;

In the case of all other types of wagons, 5 working hours from the time at which the wagons are placed in position for unloading."

2. This notification shall come into force on 17th February 1964.

[No. TCH/3753/61.]

P. C. MATHEW, Secy.

MINISTRY OF EDUCATION

ARCHAEOLOGY

New Delhi, the 15th January 1964

S.O. 270.—Whereas by notification of the Government of India in the Ministry of Scientific Research and Cultural Affairs No. F. 4-28/63-C.1 dated the 14th October, 1963 published in Part II, section 3 sub-section (ii) of the Gazette of India dated the 19th October, 1963 the Central Government gave notice of its intention to declare the archaeological site and remains specified in the Schedule below to be of national importance.

And, whereas, no objections have been received to the making of such declaration.

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby declares the said archaeological site and remains to be of national importance.

SCHEDULE

Sl.	State	District	Tehsil	Locality	Name of site	Revenue plot number to be included under protection	Area	Boundaries	Ownership
1	2	3	4	5	6	7	8	9	10
	Office	Cuttack	Narsinghpur	Padamal Pattana	Ancient site at Baneswaranasi comprised in survey plot Nos. 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 508, 509, 123/576, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 507, 501, 502, 503, 504, 505, 506.	Whole of Survey plot 115 54 Nos. 481, 482, 483, 484, 495, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 508, 509, 123/576, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 507, 501, 502, 503, 504, 505, 506.	acres.	North :— Survey Plot No. 281 and river Mahanadi East Survey Plot No. 480, and river Mahanadi South River Mahanadi West River Mahanadi.	Survey plot Nos. 490, 495, 526, 528, 507, 501, 502, 503, 504, 505, and 506 Government owned and remaining private.

[No. F. 4-28/63.C.1.]

S. J. NARSIAN,
Assistant Educational Adviser.

MINISTRY OF WORKS, HOUSING AND REHABILITATION

(Deptt. of W&H)

New Delhi, the 14th January 1964

S.O. 271.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints the officer mentioned in column 1 of the Table below, being a gazetted officer of Government, to be an estate officer for the purposes of the said Act who shall exercise the powers conferred, and perform the duties imposed, on an estate officer by or under the said Act within the local limits of his jurisdiction in respect of the public premises specified in the corresponding entries in column 2 of the said Table.

TABLE

Designation officer	Categories of public premises and local limits of jurisdiction
1	2
Mamlatdar, Dadra and Nagar Haveli, Silvassa.	Premises under the administrative control of the Administrator, Dadra and Nagar Haveli situated within the local limits of his jurisdiction.

[No. 32/31/63-Acc II.]

New Delhi, the 16th January 1964

S.O. 272.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints the officer mentioned in column I of the table below, being a gazetted officer of Government, to be an estate officer for the purposes of the said Act who shall exercise the powers conferred, and perform the duties imposed, on an estate officer by or under the said Act within the local limits of his respective jurisdiction in respect of the public premises specified in the corresponding entries in column 2 of the said table.

THE TABLE

Designation of officers	Categories of public premises and local limits of jurisdiction
1	2
Estate Manager, Bombay	1. Ex-Government Grain shop No. 174 Birla, Mansions, Banam Hall Lane, Bombay-4. 2. Ex-Government Grain Shop No. 179 Ready Money Building Sahkli Street, Bombay-8.

[No. 24(8)/62-EE.II/ACC.II.]

S. L. VASUDEVA, Under Secy

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 16th January 1964

S.O. 273.—In exercise of the powers conferred by Sub-Section (1) of Section 6 of the Administrative of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints, for the State of Punjab, Shri Balmukund Sharma, as Additional Custodian for the purpose of discharging the duties imposed on Custodian by or under the said Act with effect from the date he took over the charge of his office.

[No. 7(7)ARG/64 I

New Delhi, the 17th January 1964

S.O. 274.—In exercise of the powers conferred by Sub-Section (1) of Section 8 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints for the State of Rajasthan, all the officers for the time being holding the posts of Managing Officer Grade II under the Regional Settlement Commissioner, Rajasthan as Assistant Custodian for the purpose of discharging the duties imposed on Custodian by or under the said Act.

[No. 16(6)-Admn(Prop)/60.]

KANWAR BAHADUR,
Settlement Commissioner (A) & Ex-Officio Dy. Secy.

MINISTRY OF INFORMATION & BROADCASTING

New Delhi, the 15th January 1964

S.O. 275.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 9 read with sub-rule (2) of rule 9 and sub-rule (3) of rule 8 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby re-appoints Shrimati K. R. Nair after consultation with the Central Board of Film Censors as a member of the Advisory Panel of the said Board at Madras with effect from 14th February, 1964.

[No. 11/4/63-FC.]

S. PADMANABHAN, Under Secy.

MINISTRY OF INDUSTRY

ORDER

New Delhi, the 13th January 1964

S.O. 276.—In exercise of the powers conferred by Section 5 of the Essential Commodities Act, 1955, the Central Government hereby directs that the power to make orders under clauses (f) and (j) of sub-section (2) of Section 3 of the said Act shall, in relation to any non-ferrous metal to which the Non-Ferrous Metals Control Order 1958 for the time being applies, be exercisable also by the Development Officer (Metals)—Shri B. W. Kulkarni, during the period 27th January 1964, to 6th March 1964.

[No. 5(1)Met/64.]

N. CHIDAMBARAM, Dy. Secy.

ORDER

New Delhi, the 14th January 1964

S.O. 277/IDRA/6/7.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rule 5(1) of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints, till the 13th October, 1965, Dr. P.C. Bhatla and Dr. M. L. Chatterjee, to be members of the Development Council established by the Order of the Government of India in the Ministry of Industry No. S.O. 3022 dated the 14th October, 1963, for the scheduled industries engaged in the manufacture or production of Drugs and Pharmaceuticals and directs that the following amendment shall be made in the said Order, namely:—

In the said Order, after entry No. 25 relating to Shri A. S. Baghel, the following entries shall be inserted, namely:—

26. Dr. P. C. Bhatla, 12, Sadar Thana Road, Delhi.

27. Dr. M. L. Chatterjee, 10-A, Gour Ghose Road, Calcutta-25.

[No. 1(10)/L.Pr./63.]

S. P. KRISHNAMURTHY, Under Secy.

(Indian Standards Institution)

New Delhi, the 13th January 1964

S.O. 278.—In exercise of the powers conferred on me under sub-regulation (4) of Regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the following modifications to provisions of Indian Standard, details of which are given in the Schedule hereto annexed, have tentatively been made, with a view to expedite the use of the Standard Mark without, in any way, affecting the quality of goods covered by the relevant Standard.

THE SCHEDULE

Sl. No.	No. and title of Indian Standard, the provisions of which have been modified	Particulars of the existing provisions	Particulars of the modification made to the provisions	Date from which the modification shall come into force
1.	IS : 2086-1963 Specification for Carriers and Bases used in Rewirable Type Electric Fuses up to 650 Volts. (<i>Revised</i>).	Clause 5.7 relating to Breaking Capacity Test.	Exemption from the performance of breaking capacity test by the licensee as prescribed in clause 5.7. Consequently the note under 6.1.2 of the specification shall read as under : NOTE—The use of the ISI Certification Mark is governed by the provision of the Indian Standards Institution (Certification Marks) Act, and the Rules and Regulations made thereunder. The presence of this mark will imply conformity with all the requirements of this standard except that of Breaking Capacity Test (clause 5.7) for which adequate testing facilities are not yet available in the country. It also conveys the assurance that it has been produced under a well-defined system of inspection testing and quality control during production. This system, which is devised and supervised by ISI and operated by the producer, has the further safeguard that the products as actually marketed are continuously checked by ISI for conformity to the Standard. Details of conditions, under which a licence for the use of the ISI Certification Mark may be granted to manufacturers or processors, may be obtained from the Indian Standards Institution.	Immediate effect.

(Indian Standards Institution)

New Delhi, the 13th January 1964

S.O. 279.—In the notification published under S.O. 2960 in the Gazette of India, Part II, Section 3(ii), dated 19th October 1963, in licence No. CM/L-456, dated 14th September 1962 held by M/s. Grandlay Electricals (India), Delhi additional variety namely, TRS (Tough Rubber Sheathed) Cables of 250 Volts Grade has been included.

In the notification published under S.O. 241 in the Gazette of India, Part II, Section 3(ii), dated 26th January 1963, in licence No. CM/L-486, dated 20th December 1962 held by M/s. Gautam Electric Motors Private Ltd., New Delhi-20 additional variety, Single Phase Fractional Horse Power Motors of one HP have further been included, in the same notification, in licence No. CM/L-491, dated 26th December 1962 held by M/s. Ganapathy Engineering Manufacturers Private Ltd., Coimbatore-6, additional variety, namely, Metal Clad Switches, 100 ampere 500 Volts has also been included.

In the notification published under S.O. 1145 in the Gazette of India, Part II, Section 3(ii), dated 20th April 1963, in licence No. CM/L-525, dated 28th March 1963 held by M/s. Weights & Measures Syndicate, Howrah, the range of Single Phase AC Capacitor Start Electric Motors has been revised as 1/4 HP to 1 HP.

In the notification published under S.O. 1654 in the Gazette of India, Part II, Section 3(ii), dated 15th June 1963, in licence No. CM/L-544, dated 23rd May 1963 held by M/s. Mahendra Electricals Ltd., Nadiad, additional varieties, namely, Vulcanized Rubber-Insulated (VIR) Cables, Taped/Untaped, Braided and Compounded 660 Volts, Weatherproof 250 Volts, TRS (Tough Rubber Sheathed) 250 Volts Grade, and Vulcanized Rubber-Insulated (VIR) Flexible Cords 250 Volts Grade have been included.

In the notification published under S.O. 1653 in the Gazette of India, Part II, Section 3(ii), dated 15th June 1963, in licence No. CM/L-413, dated 5th May 1962 held by M/s. Devidayal Cable Industries Private Ltd., Bombay, additional varieties, namely, Vulcanized Rubber-Insulated (VIR) Cables, Weatherproof 250 Volts Grade, Welding Cables 250 and 660 Volts Grade and TRS (Tough Rubber Sheathed) Flexible Cords 250 Volts Grade have been included.

[No. MD/12:496.]

S.O.280.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies that the Indian Standard(s), particulars of which are given in the Schedule hereto annexed, have been established during the period 16 December 1963 to 12 January, 1964.

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard Established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1.	IS : 9-1963 Method for Determination of Dimensional Changes of Cotton and Linen Woven Fabrics on Washing Near the Boiling Point (Revised).	IS : 9-1949 Method for Determining Shrinkage of Cotton and Linen Cloth on Washing.	This standard prescribes a method for determining the dimensional changes in woven cotton and linen fabrics on washing near the boiling point. (Price Rs. 2.00n.P.)

(1)	(2)	(3)	(4)
2.	IS : 301-1963 Specification for Potassium Nitrate for Explosives and Pyrotechnic Compositions (<i>Revised</i>).	IS : 301-1951 specification for Potassium Nitrate Technical.	This standard prescribes the requirements and the methods of sampling and test for potassium nitrate used in the explosives and pyrotechnic compositions. (Price Rs. 4.5 nP.)
3.	IS : 383-1963 Specification for Coarse and Fine Aggregates from Natural Sources for Concrete (<i>Revised</i>).	IS : 383-1952 Specification for Coarse and Fine Aggregate from Natural Sources for Concrete.	This standard covers the requirements for aggregates, crushed or uncrushed, derived from natural sources, such as river, beds, rocks, boulders, etc. for use in the production of concrete for normal structural purposes. (Price Rs. 4.00nP.)
4.	IS : 488-1963 Specification for Glass Making Sands (<i>Revised</i>).	IS : 488-1953 Specification for Glass Making Sands (<i>Tentative</i>).	This standard prescribes the requirements and the methods of test for sands, suitable for manufacture of some of the important types of glass articles. (Price Rs. 3.50 nP.)
5.	IS : 626-1963 Specification for Bicycle Seat Pillars (<i>Revised</i>).	IS : 626-1955 Specification for Bicycle Seat Pillars. (<i>Tentative</i>).	This standard covers the requirements for seat pillars of the straight type for being fitted in popular sizes of bicycles in use in the country. (Price Rs. 1.50nP.)
6.	IS : 668-1963 Specification for Serge, Ordinary (<i>Revised</i>).	IS : 668-1955 Specification for Serge, Ordinary.	This standard prescribes constructional details and other particulars of serge, ordinary. (Price Rs. 2.50nP.)
7.	IS : 669-1963 Specification for Serge, Drab Mixture (<i>Revised</i>).	IS : 669-1955 Specification for Serge, Drab Mixture.	This standard prescribes constructional details and other particulars of serge, drab mixture. (Price 2.50nP.)
8.	IS : 673-1963 Specification for Cloth, Woollen, Twill, Dyed (<i>Revised</i>).	IS : 673-1955 Specification for Cloth, Woollen, Twill Dyed.	This standard prescribes constructional details and other particulars of cloth, woollen twill, dyed. (Price Rs. 2.00nP.)
9.	IS : 675-1963 Specification for Cloth, Bunting, Worsted (<i>Revised</i>).	IS : 675-1955 Specification for Cloth, Bunting, Worsted.	This standard prescribes constructional details and other particulars of cloth, bunting, worsted. (Price Rs. 2.00nP.)
10.	IS : 835-1963 Specification for Bottom Shaft for Plain Calico Cotton Looms.		This standard prescribes the requirements for bottom shaft for plain calico overpick cotton looms. (Price Re. 1.00nP.)
11.	IS : 1161-1963 Specification for Steel Tubes for Structural Purposes (<i>Revised</i>).	IS : 1161-1958 Specification for Steel Tubes for Structural Purposes.	This standard covers the requirements for plain carbon steel tubes for structural purposes not exceeding 225 mm nominal bore of the following types : HPW—Hot finished welded HFS—Hot finished seamless ERW—Electric resistance or induction butt welded. (Price Rs. 3.00nP.)

(1)	(2)	(3)	(4)
12.	IS : 1299-1963 Method for Determination of Dimensional Changes on Washing of Fabrics Woven from Rayon and Synthetic Fibres (<i>Revised</i>).	IS : 1299-1958 Method for Determination of Dimensional Changes on Washing of Fabrics woven from Rayon and Synthetic Fibres Not Liable to Felting.	This standard prescribes a method for determination of dimensional changes on washing of fabrics woven from rayon or synthetic fibres or their mixture. (Price Rs. 2.00nP.).
13.	IS : 1406-1963 Specification for Rectangular Tins (<i>Revised</i>).	IS : 1406-1959 Specification for Rectangular Tins.	This standard covers the requirements of 10-litre, 5-litre, 3-litre, 2-litre, 1-litre, 500-millilitre and 250-millilitre rectangular tins manufactured from tin plate, and normally used for packing liquids (Price Rs. 2.00nP.).
14.	IS : 1820-1963 Recommended Shapes and Sizes of Aluminium Notched Bars and Ingots for Remelting Purposes.	..	This standard specifies shapes and sizes of notched bars and ingots used for remelting purposes in the industry. (Price Re. 1.00nP.).
15.	IS : 2373-1963 Specification for Water Meters (Bulk Type)	..	This standard covers inferential (horizontal flow) water meters, including 'full-flow' type ranging in size from 40 mm up to and including 300 mm and semi-positive meters ranging in size from 40 mm up to and including 100 mm both types having flanged end connections. This standard applies to both wet and dry dial meters. (Price Rs. 4.00 nP.).
16.	IS : 2386 (Part I)-1963 Methods of Test for Aggregates for Concrete Part I Particle Size and Shape.	..	This standard (Part I) covers the following tests for aggregate for concrete : (a) Sieve analysis, (b) Determination of materials finer than 75-micron, (c) Determination of flakiness index, (d) Determination of elongation index, and (e) Determination of angularity number. (Price Rs. 4.00nP.).
17.	IS : 2386 (Part III)-1963 Methods of Test for Aggregates for Concrete Part III Specific Gravity, Density, Voids, Absorption and Bulking.	.	This standard (Part III) covers the following tests for aggregates for concrete : (a) Determination for specific gravity and water absorption, (b) Determination of bulk density and voids, (c) Determination of necessary adjustment for bulking of fine aggregate (field method), and (d) Determination of surface moisture in fine aggregate (field method). (Price Rs. 4.50nP.).

1	2	3	4
18.	IS:2386 (Part V)—1963 Methods of Test for Aggregates for Concrete Part V Soundness.	..	This standard (Part V) covers the method of test to determine the resistance to disintegration of aggregates by saturated solutions of sodium sulphate or magnesium sulphate. (Price Rs. 2.00nP.).
19.	IS : 2386 (Part VIII)—1963 Methods of Test for Aggregates for Concrete Part VIII Petrographic Examination.	..	This standard (Part VIII) covers two methods of petrographic examination of aggregates for concrete. Method I may be adopted for routine purposes and Method II for detailed investigations. Method II shall be treated as a reference method. (Price Rs. 4.50nP.).
20.	IS : 2425—1963 Test Chart for Pillar Type Drilling Machines.	..	This standard prescribes the limits of accuracies for pillar type drilling machines. (Price Rs. 2.50nP.).
21.	IS : 2442—1963 Specification for DC Moving Coil Galvanometers.	..	This standard gives the definitions of terms, requirements and tests for DC moving coil galvanometers. Both pivoted and suspended types of galvanometers with either mechanical or optical pointer systems are covered. (Price Rs. 1.50nP.).
22.	IS : 2473—1963 Dimensions for Centre Holes.	..	This standard prescribes the dimensions of four types of centre holes designated as Types A, B, and D. (Price Re. 1.00).
23.	IS : 2478—1963 Glossary of Terms Relating to Industrial Radiology.	..	This standard covers the terms relating to industrial radiology. (Price Rs. 6.00nP.).
24.	IS : 2485—1963 Specification for Drop Forged Sockets for Wire Ropes for General Engineering Purposes.	..	This standard specifies materials, dimensions and working loads of drop forged sockets for general engineering purposes, of the open or closed type, for wire ropes of nominal sizes 8 to 41 mm. (Price Rs. 3.50nP.).
25.	IS : 2486 (Part I)—1963 Specification for Insulator Fittings for Overhead Power Lines of 3.3 kV and above Part I General Requirements and Tests.	..	This standard (Part I) gives the general requirements and tests for insulator fittings for use on overhead power lines having a nominal voltage of 3.3 kV and above. (Price Rs. 3.00nP.).
26.	IS : 2486 (Part II)—1963 Specification for Insulator Fittings for Overhead Power Lines of 3.3 kV and above Part II Dimensional Requirements.	..	This standard (Part II) gives the dimensions of the insulator fittings and their associated gauges for use on overhead power lines having a nominal voltage of 3.3 kV and above. (Price Rs. 5.00nP.).

1	2	3	4
27.	IS:2487—1963 Specification for Flat Steel Healds for Cotton, Silk, Woollen and Worsted Weaving (Excluding Jacquard and Leno Weaving).	..	This standard prescribes the requirements for flat steel healds of simplex and duplex types, including repair healds of these types, for cotton, silk, woollen and worsted weaving (excluding jacquard and leno weaving). (Price Rs. 2.00).
28.	IS:2489—1963 Specification for Baby Weighing Machines.	..	This standard covers the requirements for baby weighing machines. (Price Re. 1.00).
29.	IS:2492—1963 Specification for Road Milk Tankers.	..	This standard prescribes the requirements for tanks and tank fittings for road milk tankers. (Price Rs. 1.50).
30.	IS:2496—1963 Specification for Butter Mould.	..	This standard prescribes the requirements for butter mould capable of producing butter prints of 50 g. weight. (Price Rs. 1.50).
31.	IS:2501—1963 Specification for Copper Tubes for General Engineering Purposes.]	..	This standard covers the requirements for solid drawn copper tubes for general engineering purposes. It also specifies tolerances on outside diameter, thickness and length. (Price Rs. 2.50).
32.	IS:2508—1963 Specification for Low Density Polyethylene Films.	..	This standard prescribes the requirements and the methods of test for low density polyethylene films. It covers flexible (non-rigid) unsupported flat or tubular polyethylene, film 20 to 300 microns (or 0.0008 to 0.004 in.) (or 75 to 400 gauge) in thickness, and up to 200 cm. (or 80 in.) in width, having a density between 0.912 to 0.929 g/ml and intended for general use or packaging. The film shall be of natural colour (essentially colourless) unless a colour has been agreed upon between the supplier and the purchaser. (Price Rs. 4.50).
33.	IS:2509—1963 Specification for Rigid Non-Metallic Conduits for Electrical Installations.	..	This standard covers circular rigid conduits, manufactured from unplasticized PVC or other suitable non-metallic material, intended for the enclosure and protection of cables used in the wiring of electrical installations and suitable for working temperatures between—5°C + 60°C. (Price Rs. 3.50).

1	2	3	4
34	IS:2510—1963 Specification for Bottom Fluted Rollers for Cotton Ring Spinning Frames : Straight 'V' Shaped Equally Spaced Flutes.	..	This standard prescribes the requirements for lines of bottom fluted rollers having equally spaced flutes of the shape of flat bottom 'V' for use in cotton ring spinning frames. (Price Rs. 4.50).
35	IS:2512—1963 Specification for Miners' Cap Lamp Batteries (Lead-Acid Type).	..	This standard covers method of tests, performance and other requirements of lead-acid batteries of nominal voltage 4V, used for miners' cap lamps. (Price Rs. 2.00).
36	IS:2514—1963 Specification for Concrete Vibrating Tables.	..	This standard relates to vibrating tables used for compaction of concrete in moulds for the manufacture of precast products and structural elements. It lays down minimum requirements regarding materials, design, fabrication, criteria for performance and methods for testing the same. (Price Rs. 2.00).
37	IS:2515—1963 Test Chart for Under Crank Type Shearing Machines and Guillotines.	..	This standard prescribes the limits of accuracies for under crank type shearing machine and guillotines. (Price Rs. 2.00).
38	IS:2522—1963 Specification for Knitted Worsted Mufflers.	..	This standard prescribes the constructional details and other particulars of knitted worsted mufflers, white, dyed or mixture shades. (Price Rs. 3.00).
39	IS:2523—1963 Specification for Worsted Hose Tops.	..	This standard prescribes the constructional details and other particulars of worsted hose tops, white, dyed or mixture shades. (Price Rs. 3.50).
40	IS:2525—1963 Diameters of Wrought Aluminium and Aluminium Alloys, Wire.	..	This standard lays down diameters and tolerances on the diameters for wrought aluminium and aluminium alloys in the form of wire. (Price Re. 1.00).
41	IS:2528—1963 Specification for Magnesium Carbonate for Cosmetic Industry.	..	This standard prescribes the requirements and the methods of sampling and test for magnesium carbonate for cosmetic industry. (Price Rs. 3.00).
42	IS:2529—1963 Specification for Magnesium oxide for Cosmetic Industry.	..	This standard prescribes the requirements and the methods of sampling and test for magnesium oxide for cosmetic industry. (Price Rs. 3.00).

1	2	3	4
43	IS:2531—1963 Specification for Crank Shaft for Plain Calico Cotton Looms.	..	This standard prescribes the requirements of crank shafts used in plain calico overpick, cotton looms. (Price Rs. 2.00).
44	IS:2548—1963 Specification for Plastic Water-Closet Seats and Covers.	..	This standard covers the requirements regarding material, manufacture, dimensions, finish and testing of plastic seats and covers for use with water closets. (Price Rs. 2.00).

Copies of these Standards are available, for sale, with the Indian Standards Institution, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-1, and also at its branch offices at (i) 232 D. Dadabhoy Naoroji Road, Fort, Bombay-1, (ii) Third Floor, 11 Sooterkin Street, Calcutta-3, (iii) Second Floor, Sathyamurthi Bhavan, 54, General Patters Road, Madras-2, (iv) 14/69 Civil Lines, Kanpur.




[No. MD/13:2]






New Delhi, the 16th January 1964

S.O.281—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, as amended in 1962, the Indian Standards Institution hereby notifies that the Standard Mark(s), design(s) of which together with the verbal description of the design(s) and the title (s) of the relevant Indian Standard(s) are given in the Schedule hereto annexed, have been specified.

These Standard Mark (s), for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952, as amended in 1961, and the rules and regulations framed thereunder, shall come into force with effect from 16th February 1964.

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Products to which applicable	No. & Title of Relevant Indian Standard	Verbal description of the design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
	IS:1239  LIGHT IS:1239  MEDIUM IS:1239  HEAVY	Mild Steel Tubes and Tubulars	IS:1239-1958 Specification for Mild Steel Tubes and Tubulars.	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being super-scribed on the top side of the monogram and the relevant classes being subscribed under the bottom side of the monogram as indicated in the design.

(1)	(2)	(3)	(4)	(5)
IS:1259  GRADE 1	IS:1259  GRADE 2	Vinyl Coated IS- : 1259-1962 Fabrics (Leathercloth)	Specification for Vinyl Coated Fabrics (Leathercloth) (Revised)	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram and the relevant grade designation being subscribed under the bottom side of the monogram, as indicated in the design.
IS:1259  GRADE 3	IS:1259  GRADE 4			
IS:1259  GRADE 5				

[No. MD/17:2]

New Delhi, the 16th January 1964

S.O. 282.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies that the marking fee per unit for various products, details of which are given in the Schedule hereto annexed, have been determined and the fee shall come into force with effect from 16 February, 1964.

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking Fee per Unit
1	2	3	4	5
				Rs.
1	Mild Steel Tubes and Tubulars	IS:1239 -1958 Specification for Mild Steel Tubes and Tubulars.	One Metric Tonne	3.00
2	Vinyl Coated Fabrics (Leathercloth)	IS:1259-1962 Specification for Vinyl Coated Fabrics (Leathercloth) (Revised)	1000 Metres	3.00

[No. MD/18:2]

New Delhi, the 17th January 1964

S.O. 283.—In partial modification of the then Ministry of Commerce and Industry (Indian Standards Institution) notification published under S.O. 3120 dated the 20th December 1960 in the Gazette of India Part II, Section 3, Sub-Section (ii) dated the 31st December 1960, the Indian Standards Institution hereby notifies that the marking fee per unit for various Products details of which are given in the Schedule hereto annexed, has been revised. The revised rate of marking fee shall come into force with effect from 1 January 1964.

THE SCHEDULE

Sl. No.	Product/Class of Product	No. and title of relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
1	Rubber-Insulated Cables and Flexible Cords for Electric Power and Lighting (For Working	IS : 434-1953 Specification for Rubber-Insulated Cables and Flexible Cords for Elec-	1000 Yards	12.5 nP. per unit with a minimum of Rs. 1 000.00 for production during a calendar year.

(1)	(2)	(3)	(4)	(5)
	Voltages Up to and Including 11 Kv)	tronic Power and Lighting (For Working Voltages Up to and Including 11 Kv) (Tentative)	or 1000 Metres	or 13.5 nP. per unit with a minimum of Rs. 1000.00 or production during a calendar year.
2	Paper Insulated Lead-Sheathed Cables for Electricity Supply.	IS : 692-1957 Specification for Paper Insulated Lead-Sheathed Cables for Electricity Supply.	100 Yards or 100 Metres	25 nP. per unit with a minimum of Rs. 1000.00 for production during a calendar year. or 27.5 nP. per unit with a minimum of Rs. 1000.00 for production during a calendar year.

[No. MD/18 : 2]

S. K. SEN,
Head of the Certification Marks Department.

MINISTRY OF IRRIGATION AND POWER

ORDERS

New Delhi, the 14th January 1964

S.O. 284.—In exercise of the powers conferred by sub-rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby directs that the provisions of—

- (i) Rule 119 (1) (a),
- (ii) Rule 50(1) (d) and
- (iii) Rule 123(7)

of the said rules shall be relaxed in respect of use of the following apparatus in conjunction with one Bucyrus ERIE 30 R. C. Blast Hole Drill bearing Serial No. 123757:

One 75KVA 3600/480 Volts single phase General Electric Transformer, Type HS, Serial number E 447678—62P.

One 75KVA 3600/480 Volts Single Phase General Electric Transformer, Type HS, Serial number E 447679—62P.

One 75KVA 3600/480 Volts Single Phase General Electric Transformer, Type HS, Serial number E 447680—62P.

One length of 305 metres 3300 Volts grade, four core 4-91 Strands, Anoroc, Neoprene Jacketed, Galvanized Steel Armoured and Neoprene covered flexible trailing cable.

at Kiriburu Project of M/s. National Mineral Development Corporation Limited to the extent that (1) in relaxation of Rule 119 (1)(a), the bank of three single phase 75KVA 3600/480 Volts Transformers connected in Delta/Delta with their associated equipment using energy at high voltage may not be fixed apparatus, as being installed on the portable drill moving from place to place, the same have a portable sense, (2) in relaxation of rule 50(1)(d), there being no linked switch for control of 3.3 KV supply to the transformers installed in the drill, the 3.3 KV supply to the same may be controlled by individually operated link fuses as provided by the manufacturers (3) in relaxation of rule 123(7), the flexible cable not exceeding 305 metres in length may be used with the portable machine and that the relaxation shall be subject to the following conditions:

- (1) The 3.3 KV incoming supply to the flexible cable should be controlled by suitable rated field circuit breaker provided with suitable earth leakage relay set to operate at an earth fault current not exceeding 5 Amps.
- (2) The installation and wirings inside the drill shall comply with the relevant provisions of the Indian Electricity Rules, 1956, in particular, Rules 115—117, 121, 124 and 125.

- (3) The flexible trailing cable should be connected to the electric supply system and the machine by properly constructed connector boxes or totally enclosed safe attachments.
- (4) The Drill along with the flexible trailing cable shall be worked and handled with due care so as to avoid danger arising out of any electrical defect or in the use. The insulation resistance of the high voltage circuit shall at no time be less than 10 megohms.
- (5) The operators of the Drill shall be trained and authorised for operating the drill with competency and due care to avoid danger.

Provided that the aforesaid relaxation shall be valid for such time as the said machine is in use in the mine and due information shall be given to the Central Government through the Electrical Inspector of Mines as soon as the machine is taken out of the mine.

[No. EL. II-5(9)/63-I.]

S.O. 285.—In exercise of the power conferred by sub-rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby directs that the provisions of—

- (i) Rule 119 (1) (a),
- (ii) Rule 50(1) (d) and
- (iii) Rule 123 (7)

of the said rules shall be relaxed in respect of use of the following apparatus in conjunction with one Bucyrus ERIE 30 R. C. Blast Hole Drill bearing Serial No. 123758:

- One 75KVA 3600/480 Volts Single phase General Electric Transformer, Type HS, Serial No. E 447677—62P.
- One 75KVA 3600/480 Volts Single Phase General Electric Transformer, Type HS, Serial No. E 447680—62P.
- One 75KVA 3600/480 Volts Single Phase General Electric Transformer, Type HS, Serial No. E 447681—62P.
- One length of 305 metres 3300 Volts grade, four core 4-91 Strands, Anoroc, Neoprene Jacketed, Galvanized Steel Armoured and Neoprene covered flexible trailing cable.

at Kiriburu project of M/s. National Mineral Development Corporation Limited to the extent that (1) in relaxation of Rule 119 (1) (a), the bank of three single phase 75KVA 3600/480 Volts Transformers connected in Delta/Delta with their associated equipment using energy at high voltage may not be fixed apparatus, as being installed on the portable drill moving from place to place, the same have a portable sense (2) in relaxation of rule 50(1)(d), there being no linked switch for control of 3.3 KV supply to the transformers installed in the drill, the 3.3 KV supply to the same may be controlled by individually operated link fuses as provided by the manufacturers, (3) in relaxation of rule 123(7), the flexible cable not exceeding 305 metres in length may be used with the portable machine and that the relaxation shall be subject to the following conditions:

- (1) The 3.3 KV incoming supply to the flexible cable should be controlled by suitably rated field circuit breaker provided with suitable earth leakage relay set to operate at an earth fault current not exceeding 5 Amps.
- (2) The installation and wirings inside the drill shall comply with the relevant provisions of the Indian Electricity Rules, 1956, in particular, Rules 115-117, 121, 124 and 125.
- (3) The flexible trailing cable should be connected to the electric supply system and the machine by properly constructed connector boxes or totally enclosed safe attachments.
- (4) The drill along with the flexible trailing cable shall be worked and handled with due care so as to avoid danger arising out of any electrical defect or in the use. The insulation resistance of the high voltage circuit shall at no time be less than 10 megohms.
- (5) The operators of the Drill shall be trained and authorised for operating the drill with competency and due care to avoid danger.

Provided that the aforesaid relaxation shall be valid for such time as the said machine is in use in the mine and due information shall be given to the Central Government through the Electrical Inspector of Mines as soon as the machine is taken out of the mine.

[No. EL. II. 5(9)/63-II.]

New Delhi, the 15th January 1964

S.O. 286.—In exercise of the powers conferred by sub-rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby directs that the provisions of—

- (i) Rule 118(a)
- (ii) Rule 119(1)(a),
- (iii) Rule 118(c),
- (iv) Rule 130 and
- (v) Rule 123(7)

of the said Rules shall be relaxed in respect of the use of the following apparatus in conjunction with one 3.3 KV Russian Electric Excavator, Model EKG-4, Serial No. 2/3-414:

- One 100 Amps. 6.6 KV Oil Circuit Breaker without fitted with any overload protection made in U.S.S.R. Serial No. 200.
- One 250 H.P. 3.3 KV U.S.S.R. make Motor, Serial No. 135469.
- One 30 KVA 3.3 KV/230 Volts 3 phase Star/Star Transformer, neutral of 230 Volts insulated, type TM3 30/6T.
- One length of 330 metres, 6000 Volts grade, four core 3×25 sq. m.m.— 1×10 sq. m.m. ground conductor not armoured with individual screen of sufficient current capacity made in U.S.S.R. Russian Standard—Cost 9388-60 flexible trailing cable with one 40 Amps. 3.3 KV Reyrolle Oil Circuit Breaker Serial No. 20SF519,

In Sounda Open Cast Mine of Sounda Colliery of M/s. National Coal Development Corporation Limited to the extent that (1) in relaxation of rule 118(a), the portable motor driving generator set in the shovel may be used at 3.3 KV, (2) in relaxation of Rule 119(1) (a), One 30 KVA 3.3 KV/230 Volts 3 phase Star/Star Transformer with its associated equipment using energy at high voltage may not be fixed apparatus as being installed on the portable shovel moving from place to place, the same having a portable sense, (3) in relaxation of rule 118(c), the 125 Volts system of supply intended for use for lighting purposes within the shovel from 30 KVA 3.3 KV/230 Volts 3 phase transformer one transformer having the neutral of the secondary insulated and as such the voltage of the system being obtained between a phase and insulated neutral and not being phases as contemplated in rule 118(c), the 125 Volts system of supply is specially considered and may be used, (4) in relaxation of rule 130, the neutral point of 30 KVA 3.3 KV/230 Volts 3 phase transformer may remain insulated, and (5) in relaxation of rule 123(7), the flexible cable not exceeding 330 metres in length may be used with the portable machine and that the relaxation shall be subject to the following conditions:

- (1) The 3.3 KV supply to the flexible cable should be provided with earth leakage protection.
- (2) The over current trips of the circuit breaker controlling 3.3 KV supply to the flexible cable shall be in keeping with the rating of the 3.3 KV motor driving the generator set, installed in the portable machine.
- (3) The installation and wirings inside the shovel shall comply with the relevant provisions of the Indian Electricity Rules, 1956, in particular, Rules 115—117, 121, 124 and 125.
- (4) The flexible trailing cable should be connected to the electric supply system and the machine by properly constructed connector boxes or totally enclosed safe attachments.
- (5) The Excavating Machine alongwith the flexible trailing cable shall be worked and handled with due care so as to avoid danger arising out of any electrical defect or in the use. The insulation resistance of the high voltage circuit including the driving motor, shall at no time be less than 10 megohms.
- (6) The operators of the Shovel shall be trained and authorised for operating the shovel with competency and due care to avoid danger.
- (7) The unarmoured flexible cable supplied by the manufacturers shall be replaced by pliable armoured flexible cable of adequate current carrying capacity at an early date under intimation to the Central Government through the Electrical Inspector of Mines.

Provided that the aforesaid relaxation shall be valid for such time as the said machine is in use in the mine and due information shall be given to the Central Government through the Electrical Inspector of Mines as soon as the Machine is taken out of the mine.

S.O. 287.—In exercise of the power conferred by sub-rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby directs that the provisions of—

- (i) Rule 118 (a),
- (ii) Rule 119 (1) a),
- (iii) Rule 50 (1) (d),
- (iv) Rule 118 (c), and
- (v) Rule 123 (7)

of the said Rules shall be relaxed in respect of the use of the following apparatus in conjunction with Model 110B, Bucyrus ERIE, 3.3 KV Shovel, Serial No. 123139:

One 400 Amps. 3.3 KV General Electric Oil Circuit Breaker, Catalogue No. 2883228G2R-YT.

One 200 H.P. 3/3.3 KV General Electric Induction Motor Serial No. XV8332362.

One 10 KVA 3600/240/380/480 Volts Single Phase General Electric Transformer, Model No. 9T24Y522, Serial No. XV.

One 10 KVA 3600/240/380/480 Volts Single Phase General Electric Transformer, Model No. 9T24Y522, Serial No. XV.

One 10 KVA 3600/240/380/480 Volts Single Phase General Electric Transformer, Model No. 9T24Y522, Serial No. XV.

One 10 KVA 3600/240/120 Volts General Electric Lighting Transformer Model No. 9T24Y521, Serial No. XV.

One length of 305 metres 3300 Volts grade four core Neoprene Jacketed Galvanized Steel Armoured and Neoprene Jacketed flexible trailing cable, conductor of .0225 Sq. inch minimum cross-section,

at Kiriburu Project of M/s. National Mineral Development Corporation Ltd., to the extent that (1) in relaxation of Rule 118 (a), the portable Motor of the Shovel may be used at 3.3 KV, (2) in relaxation of Rule 119 (1)(a) the bank of three single phase 10 KVA 3600/240/380/480 Volts Transformers connected in Delta/Delta and single phase 10 KVA 3600/120/240 Volts with their associated equipment using energy at high voltage may not be fixed apparatus as being installed on the portable shovel moving from place to place, the same having a portable sense, (3) in relaxation of rule 50 (1)(d), there being no linked switch for control of 3.3 KV supply to the transformers installed on the shovel, the 3.3 KV supply to same may be controlled by the individually operated link fuses as provided by the manufacturers, (4) in relaxation of rule 118 (c), the 120 Volts system of supply intended for use for lighting purposes within the Shovel from the single phase 10 KVA 3600/120/240 Volts lighting transformer having no mid voltage point for earthing and as such the voltage of the system being obtained between a phase and earth and not between phases as contemplated in Rule 118 (c), the 120 Volts system of supply is specially considered and may be used, and (5) in relaxation of Rule 123 (7), the flexible capable not exceeding 305 metres in length may be used with the portable machine and that the relaxation shall be subject to the following conditions:

- (1) The 3.3 KV supply to the flexible capable should be provided with earth leakage protection.
- (2) The installation and wirings inside the shovel shall comply with the relevant provisions of the Indian Electricity Rules, 1956, in particular, Rules 115-117, 121, 124 and 125.
- (3) The flexible trailing cable should be connected to the electric supply system and the machine by properly constructed connector boxes or totally enclosed safe attachments.
- (4) The Excavating Machine alongwith the flexible trailing cable shall be worked and handled with due care so as to avoid danger arising out of any electrical defect or in the use. The insulation resistance of the high voltage circuit including the driving motor, shall at no time be less than 10 megohms.

- (5) The operators of the Shovel shall be trained and authorised for operating the shovel with competency and due care to avoid danger.

Provided that the aforesaid relaxation shall be valid for such time as the said machine is in use in the mine and due information shall be given to the Central Government through the Electrical Inspector of Mines as soon as the machine is taken out of the mine.

[No. EL-II-5(10)/63-I.]

S.O. 288.—In exercise of the power conferred by sub-rule (2) of rule 133 of the Indian Electricity Rules, 1958, the Central Government hereby directs that the provisions of—

- (i) Rule 118(a),
- (ii) Rule 119(1)(a),
- (iii) Rule 50(1)(d),
- (iv) Rule 118(c), and
- (v) Rule 123(7)

of the said Rules shall be relaxed in respect of the use of the following apparatus in conjunction with Model 110B, Bucyrus ERIE, 3.3 KV Shovel, Serial No. 123142:

- One 400 Amps 3.3 KV General Electric Oil Circuit Breaker Catalogue No. 2883228G2.
- One 200 H.P. 3/3.3 KV General Electric Induction Motor Serial No. XV8332366.
- One 10 KVA 3600/240/380/480 Volts Single Phase General Electric Transformer Model No. 52F103AA, Serial No. V73120.
- One 10 KVA 3600/240/380/480 Volts Single Phase General Electric Transformer, Model No. 52F103AA, Serial No. V73136.
- One 10 KVA 3600/240/380/480 Volts Single Phase General Electric Transformer, Model No. 52F103AA, Serial No. V73124.
- One 10 KVA 3600/240/120 Volts General Electric Lighting Transformers, Model No. 9T24Y522, Serial No. XV.
- One length of 305 metres 3300 Volts grade four core Neoprene Jacketed Galvanized Steel Armoured and Neoprene Jacketed Flexible trailing Cable, conductor of .0225 sq. inch minimum cross-section.

at Kiriburu Project of M/s. National Mineral Development Corporation Limited to the extent that (1) in relaxation of Rule 118(a), the portable Motor of the Shovel may be used at 3.3 KV, (2) in relaxation of Rule 119(1)(a), the bank of three single phase 10 KVA 3600/240/380/480 Volts Transformers connected in Delta/Delta and single phase 10 KVA 2600/120/240 Volts with their associated equipment using energy at high voltage may not be fixed apparatus as being installed on the portable shovel moving from place to place, the same having a portable sense, (3) in relaxation of rule 50(1)(d), there being no linked switch for control of 3.3 KV supply to the transformers installed on the shovel, the 3.3 KV supply to same may be controlled by the individually operated link fuses as provided by the manufacturers, (4) in relaxation of Rule 118(c), the 120 Volts system of supply intended for use for lighting purposes within the Shovel from the single phase 10 KVA 3600/120/240 Volts lighting transformers having no mid voltage point for earthing and as such the voltage of the system being obtained between a phase and earth and not between phases as contemplated in Rule 118(c), the 120 Volts system of supply is specially considered and may be used, and (5) in

relaxation of Rule 123(7), the flexible cable not exceeding 305 metres in length may be used with the portable machine and that the relaxation shall be subject to the following conditions:

- (1) The 3.3 KV supply to the flexible cable should be provided with earth leakage protection.
- (2) The installation and wirings inside the shovel shall comply with the relevant provisions of the Indian Electricity Rules, 1956, in particular, Rules 115-117, 121, 124 and 125.
- (3) The flexible trailing cable should be connected to the electric supply system and the machine by properly constructed connector boxes or totally enclosed safe attachments.
- (4) The Excavating Machine alongwith the flexible trailing cable shall be worked and handled with due care so as to avoid danger arising out of any electrical defect or in the use. The insulation resistance of the high voltage circuit including the driving motor shall at no time be less than 10 megohms.
- (5) The operators of the Shovel shall be trained and authorised for operating the shovel with competency and due care to avoid danger.

Provided that the aforesaid relaxation shall be valid for such time as the said machine is in use in the mine and due information shall be given to the Central Government through the Electrical Inspector of Mines as soon as the machine is taken out of the mine.

[No. EL. II-5(10)/63-II.]

S.O. 289.—In exercise of the powers conferred by sub-rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby directs that the provisions of—

- (i) Rule 118(a),
- (ii) Rule 119(1) (a),
- (iii) Rule 50(1) (d),
- (iv) Rule 118(c), and
- (v) Rule 123(7).

of the said Rules shall be relaxed in respect of the use of the following apparatus in conjunction with Model No. 110 B, Bucyrus ERIE, 3:3KV Shovel, Serial No. 123141:

One 400 Amps 3:3 KV General Electric Oil Circuit Breaker, Catalogue No. 2883228G2.

One 200 H.P. 3/3:3 KV General Electric Induction Motor Serial No. XV8332365.

One 10 KVA 3600/240/380/480 Volts Single Phase General Electric Transformer, Model No. 52F 103AA, Serial No. V73138.

One 10 KVA 3600/240/380/480 Volts Single Phase General Electric Transformer, Model No. 52F 103AA, Serial No. V73137.

One 10 KVA 3600/240/380/480 Volts Single Phase General Electric Transformer, Model No. 52F 103AA, Serial No. V73114.

One 10 KVA 3600/240/120 Volts General Electric Lighting Transformer, Model No. 9T24Y522, Serial No. XV.

One Length 305 metres 3300 Volts grade four core Neoprene Jacketed Galvanized Steel Armoured and Neoprene Jacketed flexible trailing cable, conductor of .0225 Sq. inch minimum cross-section.

at Kiriburu Project of M/s. National Mineral Development Corporation Ltd. to the extent that (1) in relaxation of Rule 118(a), the portable Motor of the Shovel may be used at 3:3 KV, (2) in relaxation of Rule 119(1)(a), the bank of three single Phase 10 KVA 3600/240/380/480 Volts Transformers connected in Delta/Delta and single phase 10 KVA 3600/120/240 Volts with their associated equipment using energy at high voltage may not be fixed apparatus as being installed on the portable shovel moving from place to place, the same having a portable sense, (3) in relaxation of rule 50(1)(d), there being no linked switch for control of 3:3 KV supply to the transformers installed on the shovel, the 3:3 KV supply to same may be controlled by the individually operated link fuses as provided by the manufacturers, (4) in relaxation of Rule 118(c), the 120 Volts system of supply intended for use for lighting purposes within the Shovel from the single phase 10 KVA 3600/120/240 Volts lighting transformer having no mid voltage point for earthing and as such the voltage of the system being obtained between a phase and earth and not between phases as contemplated in Rule 118(c), the 120 Volts system of supply is specially considered and may be used and (5) in relaxation of Rule 123(7), the flexible cable not exceeding 305 metres in length may be used with the portable machine and that the relaxation shall be subject to the following conditions:

- (1) The 3:3 KV supply to the flexible cable should be provided with earth leakage protection.
- (2) The installation and wirings inside the shovel shall comply with the relevant provisions of the Indian Electricity Rules, 1956, in particular, Rules 115-117, 121, 124 and 125.
- (3) The flexible trailing cable should be connected to the electric supply system and the machine by properly constructed connector boxes or totally enclosed safe attachments.
- (4) The Excavating Machine alongwith the flexible trailing cable shall be worked and handled with due care so as to avoid danger arising out of any electrical defect or in the use. The insulation resistance of the high voltage circuit including the driving motor, shall at no time be less than 10 megohms.
- (5) The operators of the Shovel shall be trained and authorised for operating the shovel with competency and due care to avoid danger.

Provided that the aforesaid relaxation shall be valid for such time as the said machine is in use in the mine and due information shall be given to the Central Government through the Electrical Inspector of Mines as soon as the machine is taken out of the mine.

[No. E.L.II-5(10)/63 III.]

N. S. VASANT,
Officer on Special Duty.

MINISTRY OF PETROLEUM & CHEMICALS

New Delhi, the 10th January 1964

S.O. 290.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from drill sites to collecting stations within the Ankleshwar oil field in Gujarat State, pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the competent authority at Elampeco, 4th Floor Sayajiganj Opp. College Lokmanya Tilak Road, Baroda in the office of the Gujarat Pipeline Project, Oil and Natural Gas Commission. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

State : Gujarat

District : Broach

Taluka : Ankleshwar

Village	Survey No.	Acre	Guntha	Village	Survey No.	Acre	Guntha
Adol	40	0	1½	Ado —contd.	183	0	2
"	56/1	0	2	"	226/1	0	1
"	62	0	3	"	601/1	0	2½
"	63	0	1½	"	601/2	0	1
"	66	0	1½	"	602/1	0	1
"	72/1	0	3	"	603	0	2
"	73	0	½	"	604	0	2
"	74	0	1	"	605	0	½
"	75/1	0	½	"	610	0	2
"	75/2	0	1	"	611	0	3½
"	76	0	1½	"	612/1	0	2
"	179	0	4	"	612/2	0	1
				"	613	0	2

[No. 31/67/63-ONG.]

New Delhi, the 15th January 1964

S.O. 291.—Whereas by a notification of the Government of India in the Ministry of Mines and Fuel S.O. No. 2494 dated 19th August 1963 and S.O. No. 2995 dated 8th October 1963 under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to those notifications for the purpose of laying pipelines:

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby

acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Refineries Limited free from all encumbrances.

SCHEDULE

State : West Bengal

Dist. Hooghly

Tehsil/Thana : Tarakeshwar.

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Shyampur, J.L. 55	700	·15	Kunjaban, J.L. 56— <i>contd.</i>	395	·23
	701	·25		407	·005
	702	·005		408	·03
	704	·03		409	·10
	705	·005		419	·22
	706	·05		424	·25
	707	·015		425	·17
				426	·005
Bhabanipur, J.L. 57	521	·33		420	·13
	522	·04		429	·01
	525	·12			
Kunjaban, J.L. 56	361	·13	Joynagar, J.L. 54.	3153	·02
	363	·005		3154	·14
	357	·03		3155	·07
	358	·03		3160	·04
	359	·20		3161	·15
	387	·23		3162	·07
	388	·005		3168	·20
	389	·12		3169	·01
	390	·02		3170	·05
	392	·08		3171	·05
	393	·05		3172	·01
	394	·09		3173	·03

[No. 31/33/63/ONG.]

S.O. 292.—Whereas by notification of the Government of India in the Ministry of Mines and Fuel S.O. No. 2495 dated 19th August 1963, S.O. No. 3104 dated 21st October 1963 and S.O. No. 3291 dated 20th November 1963 under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to those notifications for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Refineries Limited free from all encumbrances.

SCHEDULE

State : West Bengal

Dist. : Hooghly

Tehsil/Thana : Haripal.

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Sultanpur, J.L. 1	925	·01	Ajodhyakashipur, J.L. 2 —contd.	1803	·005
	926	·02		1804	·18
	936	·20		1805	·005
	937	·01		1807	·01
	940	·02		1810	·14
	941	·10		1811	·09
	942	·15		1812	·08
	951	·19		1813	·09
	952	·22		1814	·05
	774	·20		1815	·02
	775	·12		1928	·005
	777	·10		1964	·03
	788	·02		1965	·12
	789	·20		1966	·08
	791	·25		1968	·08
	798	·02		1969	·005
	799	·02		1970	·19
	800	·07		1973	·09
	875	·05		2065	·10
	876	·07	Shibarampur, J.L. 6	308	·05
	877	·25		310	·02
	878	·02		318	·10
	879	·02		319	·005
	880	·15		583	·005
	924	·02		590	·005
	933	·10		591	·34
	934	·15		592	·02
Ajodhyakashipur, J.L. 2	677	·15		593	·15
	678	·005		594	·12
	685	·01		627	·19
	686	·01		641	·05
	687	·13		642	·01
	688	·15		645	·16
	689	·10		647	·15
	690	·10		654	·005
	729	·05		655	·10
	730	·05		656	·06
	731	·10		657	·06
	732	·10		661	·05
	733	·09		663	·01
	734	·01		665	·08
	737	·005		666	·07
	744	·005		668	·06
	777	·33		673	·14
	781	·07		674	·07
	791	·06		675	·14
	792	·13		677	·01
	793	·05		678	·17
	797	·01		679	·01
	798	·25		680	·08
	799	·27		684	·10
	1785	·20		685	·02
	1791	·03		724	·005
	1792	·05		725	·02
	1793	·09		841	·14
	1794	·08	Harishpur, J.L. 3		
	1795	·07		513	·23

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Harishpur, J.L.3—Contd	565	·10	Balia, J.L.4—Contd.	400	·22
	566	·04		403	·02
	574	·10		404	·10
	575	·10		405	·06
	576	·08		483	·03
	577	·12		516	·005
	578	·07		517	·23
	579	·005		518	·03
	580	·22		519	·11
	582	·02		520	·02
	583	·23		525	·10
	647	·32		526	·12
	649	·15		574	·005
	650	·12		575	·01
	651	·04		578	·10
	653	·04		579	·06
	657	·08		580	·05
	658	·12		581	·10
	659	·15		588	·005
	660	·08		589	·16
	672	·17		590	·005
	673	·02		591	·08
	674	·30		592	·08
	676	·62		593	·05
	677	·01		900	·04
	701	·02		1040	·12
Balia, J. L. 4	I	·14	Bahirkhanda, J.L. 19 .	251	·15
	136	·01		259	·05
	137	·10		261	·05
	161	·02		262	·10
	162	·02		263	·17
	163	·15		264	·06
	164	·15		303	·10
	172	·10		304	·03
	173	·10		305	·17
	174	·10		306	·07
	175	·02		311	·08
	178	·05		312	·20
	180	·06		318	·12
	181	·01		319	·10
	182	·06		321	·10
	183	·06		322	·05
	184	·12		323	·08
	189	·02		329	·01
	191	·08		330	·22
	192	·09		331	·20
	193	·01		372	·02
	255	·18		373	·18
	263	·37		376	·18
	264	·03		377	·02
	265	·18		382	·13
	266	·12		383	·08
	276	·005		559	·09
	278	·14		564	·01
	279	·05		568	·23
	280	·02		569	·005
	281	·15		575	·37
	282	·005		576	·02
	291	·06		577	·02
	292	·10		594	·15
	293	·05		595	·10
	398	·01		596	·10
	399	·12		597	·005

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Bahirkhanda, J.L. 19 (Contd.)	1138	005	Dulla, J.L. 20 (Contd.)	125	23
	1151	07		126	05
	1152	04		137	02
	1153	13		138	05
	1154	07		151	19
	1155	16		152	12
	1156	17		153	08
	1157	08		155	40
	1158	02		232	04
	1164	06		296	25
	1165	005		300	07
	1167	08		301	03
	1168	12		302	30
	1170	05			
	1171	10	Alipur, J. L. 7	213	45
	1172	005		219	15
	1180	06		226	06
	1181	02		227	22
	1182	05		237	25
	1183	10		240	22
	1184	12		241	10
	1185	01		242	08
	1186	11		253	06
	1188	02		254	20
	1189	11		255	05
	1190	05		303	08
	1191	005		320	35
	1192	17		321	01
	1388	05		325	10
	1391	12		324	05
	1392	15		326	17
	1396	11		327	08
	1397	05		328	05
	1398	06		338	04
	1399	05		339	10
	1400	14		340	12
	1718	005		341	03
	1719	26		418	01
	1725	03		419	15
	1881	14		420	05
	1882	08		421	08
	1883	07		427	18
	1884	17		428	17
	1887	04		445	01
	1888	06		446	15
	1891	01		447	05
la, J.L. 20	68	10		448	10
	69	07		450	15
	70	08		451	03
	71	10		452	03
	95	02		454	005
	96	05		455	01
	101	03		460	005
	102	04		1170	02
	103	16		1172	02
	106	05		1173	05
	107	02		1245	11
	108	18		1246	05
	109	005		1247	06
	117	04		1248	07
	118	02		1255	25
	119	18		1258	25
	123	02		1259	005

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Allpur, J.L. 7—(Contd.)	1260	·10	Sundarpur, J.L. 24—(Contd.)	305	·01
	1261	·10		306	·15
	1275	·10		307	·02
	1279	·10		310	·02
	1280	·01		396	·45
	1281	·10		397	·02
	1282	·11		401	·05
	1285	·05		404	·35
	1286	·02		405	·005
	1287	·05		414	·05
	1301	·05		410	·02
	1302	·05		413	·01
	1307	·02		415	·12
	1308	·10		419	·04
				437	·12
Mora, J. L. 25	154	·14		438	·25
	155	·11		439	·02
	156	·03		444	·03
	157	·10			
	159	·28		71	·03
	165	·12	Chakdumar, J.L. 23—	7E	·03
	166	·02		78	·04
	167	·07		80	·14
	326	·27		81	·05
	327	·17		83	·10
	328	·03		85	·12
	329	·005		86	·12
	330	·01		87	·02
	338	·01		88	·08
	339	·16		95	·15
	340	·13		103	·05
	341	·005		104	·03
	348	·06		105	·10
	349	·05		106	·005
	350	·08		109	·005
	352	·07		122	·12
	353	·05		123	·02
	354	·09		148	·02
	355	·02		149	·08
	356	·10		150	·12
	480	·06		151	·02
	481	·005		158	·17
	482	·02		159	·01
	682	·01		160	·01
	686R	·05		161	·15
	687	·005		162	·02
	688	·12		163	·10
				166	·03
Sundarpur, J.L. 24	21	·02		167	·02
	23	·03		176	·01
	24	·07		177	·04
	25	·20		178	·30
	26	·02		179	·03
	288	·20		180	·05
	291	·01		181	·01
	292	·10		247	·12
	293	·02		254	·22
	294	·03		256	·05
	298	·05		257	·01
	299	·04		276	·02
	300	·12		281	·01
	301	·05		341	·01
	302	·25		343	·09

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Chakdumar, J. L. 23 (Contd.)	344	·15	Basuri, J. L. 31 (Contd.)	327	·06
	369	·20		328	·02
	371	·22		329	·02
	374	·02		330	·17
	375	·08		331	·03
	377	·10		337	·07
	378	·32		338	·12
	379	·12		339	·10
	382	·05		340	·05
	387	·08		600	·22
	388	·03		609	·005
	389	·02		612	·16
	390	·05		613	·53
	391	·04		614	·15
	392	·17		616	·08
	393	·01		617	·15
	414	·12		618	·05
	415	·02		627	·14
	417	·23		628	·25
	421	·05		629	·005
	423	·18		630	·01
	424	·03		631	·05
	425	·15		632	·05
	941	·10		823	·05
Noopara, J. L. 29	1	·02		827	·005
	9	·18		829	·03
	10	·26		830	·15
	11	·12		831	·05
	19	·04		833	·03
Basuri, J. L. 31	83	·10		837	·28
	85	·20		838	·10
	90	·46		839	·17
	92	·10		840	·12
	93	·02		844	·05
	95	·22		845	·21
	96	·05		846	·08
	104	·40		847	·10
	105	·25		854	·02
	106	·01		855	·06
	110	·01		856	·08
	111	·40		863	·08
	272	·08		864	·07
	273	·09		865	·10
	274	·03		873	·14
	275	·05		874	·03
	276	·15		879	·15
	285	·01		880	·13
	286	·15		885	·08
	287	·28		886	·14
	288	·05		887	·03
	289	·005		898	·20
	290	·16		900	·16
	291	·12		901	·12
	316	·12		923	·06
	317	·13		937	·10
	318	·10		950	·02
	320	·04	Sirajpur, J. L. 32.	191	·25
	322	·15		194	·23
	323	·05		195	·20
	324	·08		196	·005
	325	·01		198	·15
	326	·06		204	·46
				211	·18

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Strajpur, J. L. 32	213	005	Sahara, J. L. 37 (Contd.)	545	005
	321	16		640	16
	322	10		641	05
	323	10		642	04
	324	005		653	05
	325	06		654	12
	326	10		655	03
	331	02		656	02
	332	02		657	10
	333	05		668	18
	334	15		669	10
	335	25		675	30
	481	14		682	22
	482	08		685	26
	483	10		686	05
	484	06		687	10
	486	25		691	32
Sahara, J. L. 37	499	40		694	01
	501	07		695	25
	502	08		696	20
	524	03	Bhupati Pur, J. L. 36	6	04
	525	20		7	06
	526	20		8	35
	527	16		9	30
	528	28		11	05
	531	11		13	25
	532	10		14	06
	533	05		15	29
	544	12		16	16

[No. 31(33)/63-ONG.]

New Delhi, the 16th January 1964

S.O. 293.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State and Haldia Port in Calcutta in West Bengal State, a pipeline should be laid by the Indian Refineries Limited and that for the purpose of laying such a pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the competent authority at 9, Syed Amir Ali Avenue, Calcutta-17 in the office of the Indian Refineries Limited. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

ADDENDUM**SCHEDULE****STATE WEST BENGAL DIST MIDNAPUR, TEHSIL/THANA SUTAHATA**

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Hadia, J.L. 47	1122	01	Sapua, J.L. 48	65	005
	2173	01		99	005
				489	005

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Barbasudevpur, J.L. 62	1461 1606 2334 2731	·06 ·03 ·02 ·04	Kismatsibaram Nagar J.L. 94	1671	·005
Garankhall, J.L. 61	457	·005	Kishorepur, J.L. 171	399 503	·005 ·01
Manaharpur, J.L. 92	303 343 345 426 1817	·005 ·04 ·01 ·005 ·03	Tetulbere, J.L. 170	225 231 268 814 899 1090 1157 1568 1918 1922	·02 ·01 ·005 ·01 ·01 ·005 ·005 ·005 ·01 ·005
Chaulkhola, J.L. 93	1052 1063	·01 ·005		1923 1924 1953 1954	·15 ·05 ·08 ·04
Sovarampur, J.L. 147	1398	·005			

[No. 31/33/63-ONG-1.]

S.O. 294.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State and Haldia Port in Calcutta in West Bengal State, pipeline should be laid by the Indian Refineries Limited and that for the purpose of laying such a pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the competent authority at 9, Syed Amir Ali Avenue, Calcutta-17 in the office of the Indian Refineries Limited. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

ADDENDUM

STATE: WEST BENGAL DISTT. MIDNAPORE TEHSIL/THANA MAHISADAL

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Bagda, J.L. 138	1055 1064 1144 1159	·03 ·005 ·005 ·005	Naradari, J.L. 44	1321	·02
Chanpi, J.L. 146	1942/A 1946 2456	·04 ·005 ·005	Madhabpur, J.L. 122	1212	·005
Naikundi, J.L. 117	822 436/A 158/B	·05 ·03 ·04	Mandargechha, J.L. 90	1415	·005
Kolsar, J.L. 88	1025	·005	Jhaupatra, J.L. 144	902 1171	·005
			Rajarampur J.L. 130	1054	·02
			Jasnan, J.L. 99	104/A	·04
			Kalikakundu, J.L. 148	77 1940	·1 ·02

[No. 31/33/63-ONG-II.]

S.O. 295.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State and Haldia Port in Calcutta in West Bengal State, a pipeline should be laid by the Indian Refineries Limited and that for the purpose of laying such a pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the competent authority at 9, Syed Amir Ali Avenue, Calcutta-17 in the office of the Indian Refineries Limited. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

ADDENDUM

SCHEDULE

STATE : WEST BENGAL DIST : MIDNAPORE TEHSIL/THANA: DASPUR

Village	Survey No. (Plot No.)	Extent (Acre)	Village	Survey No. (Plot No.)	Extent (Acre)
Jote Ghanshayam, J.L. 240.	2667	·005	Jote Ghanshayam		
	2689	·005	J. L. 240— <i>contd.</i>	7221	·05
	4304	·05		7326	·005
	5498	·06		7696	·13
	5559	·005	Kultikari, J.L. 241	83	·005
	5564	·115		275	·04
	5658	·005		670	·005
	5690	·02		843	·005
	5691	·18		846	·22
	5785	·005		847	·17
	5802	·005		1049	·09
	5805	·005		1056	·05
	5814	·005		1130	·03
	6334	·005		1137	·01
	6350	·005		1796	·05
	6706	·08		1935	·12
	6793	·14		2760	·005
	6999	·03			

[No. 31/33/63-ONG-iii.]

S.O. 296.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State and Haldia Port in Calcutta in West Bengal State, a pipeline should be laid by the Indian Refineries Limited and that for the purpose of laying such a pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the competent authority at 9, Syed Amir Ali Avenue, Calcutta-17 in the office of the Indian Refineries Limited. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

ADDENDUM

SCHEDULE

STATE : WEST BENGAL DIST. : MIDNAPUR

TEHSIL THANA : PANSKURA

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Uttarsagarbar, J.L. 306	173	·06	Gajai, J.L. 248 — <i>contd</i>	567	·02
Nandaigajan, J.L. 310	634	·08		581	·01
Bangalpur, J.L. 317	1079	·10	Patharia, J.L. 249	606	·005
	1325	·005		872	·02
	1326	·08		609	·01
	1327	·09	Baradabar, J.L. 298	133	·005
Durbachati, J.L. 258	5	0·6		139	·005
	771	·005	Payag, J.L. 297	267	·005
Kanaichak, J.L. 260	628	·06	Chainpur, J.L. 321	1270	·005
	697	·005	Ukhrapara, J.L. 322	326	·005
Ramchandrapur, J.L. 250	23	·005	Saradabasan, J.L. 305	442	·06
	624	·005		446	·05
Gajai, J.L. 248	95	·005		447	·17
	99	·005		448	·05
	135	·005		449	·04
	442	·08		457	·03

[No. 31/33/63-ONG-iv.]

S.O. 297.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State and Haldia Port in Calcutta in West Bengal State, a pipeline should be laid by the Indian Refineries Limited and that for the purpose of laying such a pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the competent authority at 9, Syed Amir Ali Avenue, Calcutta-17 in the office of the Indian Refineries Limited. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

ADDENDUM

SCHEDULE

STATE: WEST BENGAL DIST : MIDNAPORE TEHSIL /THANA : TAMLUK

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Harasankar Khamar, J.L. 59	1589	·005	Nilkuntla, J.L. 52	1224	·05
	1665	·08	Padumbasan, J.L. 144	2407	·04
	1630	·05		2408	·08
Bali Kalua, J.L. 93	163	·04		116	·02
Padampur, J.L. 99	515	·04		117	·06
Rajgoda, J.L. 100	248	·08		118	·02
Dharinda, J.L. 279	1321	·04		128	·07
Bhubaneshwarpur, J.L. 146	1653	·05	Kapasbera, J.L. 283	845	·08
	1654	·10		1551	·03
			Dakshin Usatpur, J.L. 60	1721	·03

[No. 31/33/63-ONG-v.]

New Delhi, the 17th January 1964

S.O. 298.—Whereas it appears to the Central Government, that it is necessary in the public interest that for the transport of petroleum from the Ankleshwar Oil field in Gujarat State to Baroda in Gujarat State, pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the competent authority at Elampeco, 4th Floor Sayajiganj Opp. College Lokmanya Tilak Road, Baroda in the office of the Gujarat Pipeline Project, Oil and Natural Gas Commission. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

STATE : GUJARAT

DISTRICT : BROACH

TALUKA : BROACH

Village	Survey No.	Acre	Guntha	Sq. Yds.
Kasakapati	47	0	11	64
"	46	0	9	0
"	45	0	15	36
"	36	0	23	95
"	Panchayat Road between S.N. 36 and 37.		0	4
"	37	0	18	99
"	11	0	12	34
"	13	0	7	104
"	12	0	7	117
"	10	0	18	34
"	16	0	3	26
"	17	0	16	8
"	17	0	9	78
"	18	0	11	78
"	21	0	6	13
"	8	0	12	104
"	7	0	6	91
"	6	0	12	65
"	5	0	10	73
"	4	0	26	54
	Boundry of Bholay		0	1
				112
Makatampor	60	0	31	45
"	61	0	10	99
"	58	0	11	108
"	63	0	4	13
"	Panchayat Road between S.No. 63 and 83		0	4
"	83	0	27	13
"	Panchayat Road between S. No. 83 and 95		0	7
"	95	0	11	63
"	96	0	11	75
"	97	0	9	65
"	Panchayat Road between S. No. 97 and 108		0	9
"	108	0	4	38
				3
				94

SCHEDULE

State : Gujarat

District : Broach

Taluka : Broach

Village	Survey No.	Acre	Guntha	Sq. Yds.
Makatampor	107	0	31	107
"	Padtar	0	7	86
Bholav	71	0	2	116
"	70	0	16	117
"	69	1	3	72
"	80	0	12	119
"	81	0	5	23
"	Panchayat Road between S. No. 81 and 16	0		
"	16 Paki	0	3	26
"	16 "	0	18	15
"	16 "	0	9	101
"	16 "	0	3	34
"	17	0	3	26
"	18	0	20	22
"	19	0	16	117
"	20 Pakki	0	36	77
"	20 "	0	18	62
"	27	0	8	49
"	22	0	14	79
"	25/1	0	5	95
"	25/2	0	26	43
"	25/3	0	12	49
"	24	0	6	90
"	Boundary of Kasakpati	0		
"	18	0	1	112
Nandlav	31	0	1	73
"	28	0	8	43
"	22	0	20	77
"	23	0	26	113
"	19	0	12	18
"	24	0	12	49
"	16	0	12	71
"	7/1	0	11	85
"	9	0	1	3
"	8	0	0	53
"	7/2	0	12	111
"	5	0	7	84
"	6	0	24	16
"		0	12	26
Rahadpur	73	0	25	8
"	72	0	20	58
"	74	0	38	0
"	75	0	34	101
"	76	0	11	30
"	Gamthan	0	4	99
"	"	0	2	36
"	Panchayat Road between S.No.	0		
"	1	0	2	22
"	24	0	22	21
"	25 + 26	1	14	79
"	42	0	4	49
"		0	0	50

CORRIGENDA

New Delhi, the 17th January 1964

S.O. 299.—In the Schedule to the notification of the Government of India in the Ministry of Mines and Fuel S.O. No. 2385 dated the 9th August, 1963 published in the Gazette of India, Part II, Section (ii), dated the 24th August, 1963.

(1) At page 2776 against Survey No. 208 of village Dadhgawan for '1.06 acres' read '0.06 acres'.

(2) At page 2783 against Survey No. 23 of village Sheokar Khurd for '0.04 acres' read '0.07 acres'.

(3) At page 2786 against Survey Nos. 93/5 and 96 of village Muthkutta for '0.10 and 0.18 acres' read '0.12 and 0.16 acres' respectively.

[No. 31(50)/63-ONG.]

S.O. 300.—In the Schedule to the notification of the Government of India in the Ministry of Mines and Fuel S.O. No. 2925 dated the 3rd October, 1963 published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 12th October, 1963.

(1) At page 3740 against Survey Nos. 1076 and 1084 of Village Katoghan for 'B-B-B' and 'B-B-B' read 'B-B-B' and 'B-B-B' respectively.

0-15-15	0-5-0	0-15-5	0-0-5
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(2) At page 3741 against Survey No. 988 of village Sujrai for 'B-B-B' read 'B-B-B'.

2-0-10			
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			2-0-1
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(3) At page 3742 for 'Survey No. 577/1 of village Kukara' read 'Survey No. 557/1 of village Kukara'.

(4) At page 3743 against Survey No. 3755 for 'B-B-B' read 'B-B-B'.

0-12-0	0-12-5
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[No. 31(50)/63-ONG.]

New Delhi, the 18th January 1964

S.O. 301.—In the Schedule to the notification of the Government of India in the Ministry of Mines and Fuel, S.O. 2386 dated the 9th August, 1963 published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 24th August, 1963.

(1) At page 2790 against survey Nos. 681 and 1099 of V. Sikandarpur for "B-B-B and B-B-B" read "B-B-B and B-B-B" respectively.

0-1-0	0-3-0	0-1-10	0-3-10
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(2) At page 2795 for "Survey no. 523/3 of V. Kusi" read "Survey no. 522/3 of V. Kusi".

[No. 31(50)/63-ONG.]

S.O. 302.—In the Schedule to the Notification of the Government of India in the Ministry of Mines and Fuel S.O. No. 2501 dated the 22nd August, 1963 published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 31st August, 1963.

(1) At page 2935 for "Survey No. 635 of village Bharahtha" read 'Survey No. 633 of village Bharahtha.'

(2) At page 2936 for 'Survey No. 637 of village Bharahtha' read 'Survey No. 635 of village Bharahtha.'

[No. 31(50)/63-ONG.]

S.O. 303.—In the Schedule to the notification of the Government of India, in the Ministry of Mines and Fuel, S.O. No. 2502 dated the 22nd August, 1963 published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 31st August, 1963.

(1) at page 2940 for "Survey no. 1996 of V. Betwan" read "Survey no. 1696 of V. Betwan."

(2) at page 2941 for "Survey no. 145/2 of V. Pahari Bhojpur" read "Survey no. 143/2 of V. Pahari Bhojpur."

(3) at page 2950—

(i) for "B-B-B against survey no. 1920 of V. Birohi";

0-8-10

read "B-B-B against survey no. 1920 of V. Birohi";

0-13-5

(ii) for "B-B-B against survey no. 1921 of V. Birohi";

0-5-0

read "B-B-B against survey no. 1921 of V. Birohi."

0-0-5

(iii) for "B-B-B against survey no. 1922 of V. Birohi";

0-10-0

read "B-B-B against survey no. 1922 of V. Birohi."

0-0-10

(4) at page 2951 for "Survey no. 745 of V. Bhatewra" read "Survey no. 743 of V. Bhatewra."

[No. 31(50)/63-ONG.]

S.O. 304.—In the Schedule to the notification of the Government of India in the Ministry of Mines and Fuel S.O. No. 2673 dated the 11th September, 1963 published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 21st September, 1963.

(1) At page 3409—

(i) for 'Survey No. 51/12 of Village Sarwanpur'

read 'Survey No. 51/2 of Village Sarwanpur'.

(ii) for 'Survey No. 106 of Village Manpur'

read 'Survey No. 105 of Village Manpur.'

(iii) for 'B-B-B against Survey No. 147/1 of Village Nahwai'

0-0-13

read 'B-B-B against Survey No. 147/1 of Village Nahwai'.

0-0-10

(2) At page 3410—

(i) for 'Survey No. 596 of Village Tikari'

read 'Survey No. 598 of Village Tikari.'

(ii) for 'Survey No. 470 of Village Umapur Kalan'

read 'Survey No. 477 of Village Umapur Kalan.'

(iii) for 'Survey No. 289 of Village Bamhni Hatar'

read 'Survey No. 289/1 of Village Bamhni Hatar.'

(iv) for 'B-B-B against Survey No. 418 of Village Dighiya'

0-0-10

read 'B-B-B against Survey No. 418 of Village Dighiya.'

0-3-10

(3) At page No. 3411 for 'B-B-B against Survey No. 74/2 of village Kotaha'

0-2-10

read 'B-B-B against Survey No. 74/2 of village Kotaha.'

0-2-0

[No. 31(50)/63-ONG.]

S.O. 305.—In the Schedule to the notification of the Government of India, in the Ministry of Mines and Fuel, S.O. 3103 dated the 21st October, 1963 published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 2nd November, 1963:

(1) At page 3914—

(i) against survey nos. 1675/1 and 3411 for "B-B-B and B-B-B" read "B-B-B and B-B-B" respectively.

0-8-10

0-1-12

9-8-10

0-2-10

(ii) For "survey nos. 2410 and 8970" read "3410 and 8970/1" respectively.

(2) At page 3915 against survey no. 14885 for "B-B-B" read "B-B-B".

0-29-0

0-2-0

(3) At page 3916 against Survey No. 15007 for "B-B-B" read "B-B-B".

0-2-10

0-3-10

[No. 31(50)/63-ONG.]

S.O. 306.—In the Schedule to the notification of the Government of India, in the Ministry of Mines and Fuel S.O. No. 3161, dated 31st October 1963, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 9th November 1963:

(1) At page 3983 for "Survey No. 1970 of village Haswa" read "Survey No. 1870 of village Haswa".

(2) At page 3985 for "Survey No. 274 of village Khambhapur" read "Survey No. 214 of village Khambhapur".

(3) At page 3986 for "Survey No. 25 of village Bilandpur" read "Survey No. 252 of village Bilandpur".

[No. 31(50)/63-ONG.]

B. SUBBA RAO, Under Secy.

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 14th January 1964

S.O. 307.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the Calcutta Port Commissioners, Calcutta and their workmen which was received by the Central Government on the 6th January 1964.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL: CALCUTTA

REFERENCE No. 47 OF 1962:

PARTIES:

Employers in relation to the Calcutta Port Commissioners, Calcutta,

AND

Their workmen.

PRESENT:

Shri L. P. Dave—*Presiding Officer.*

APPEARANCES:

On behalf of employers—Shri G. V. Karlekar, Chief Labour Officer, Calcutta Port Commissioners.

On behalf of workmen—Shri Rajani Mukherjee, and Shri A. L. Roy, Adviser, Calcutta Port Commissioners Workers' Union.

STATE: West Bengal.

INDUSTRY: Port.

AWARD

The Government of India, Ministry of Labour and Employment, by their order No. 28/22/62-LRIV dated 5th November, 1962, as amended by corrigendum of even number dated 1st February, 1963, have referred the industrial dispute existing between the employers in relation to Calcutta Port Commissioners, Calcutta, and their workmen in respect of the matters specified in the schedule annexed to the order for adjudication to this Tribunal. The matters specified in the schedule are as under:—

1. Whether the dismissal of Shri Mahabir Ahir, Khalasi under Superintendent, Kantapukur, Traffic Department, Calcutta Port Commissioners with effect from 1st November 1961 was justified:
2. If not, to what relief he is entitled?

2. In response to notices issued by the Tribunal, the workmen represented by the Calcutta Port Commissioners Workers' Union (to which hereafter I shall refer to as the Union) filed a written statement contending *inter alia* that the workman concerned, Shri Mahabir Ahir, was suspended from 9th June 1960 which suspension ultimately led to his dismissal from 1st November 1961; that **his suspension** was *mala fide*, void in law and in violation of the principles of natural justice; that the Superintendent of Kantapukur issued a chargesheet to the workman on 28th June 1960; that the contents of the chargesheet were not written legibly and he asked for typed copy; that thereupon typed copies were furnished to him on 21st July 1960 and at the same time an enquiry was fixed on 27th July 1960; that the workman was not given any scope to submit any written statement of his defence and was compelled to appear at the enquiry in spite of protest; that the workman was victimised to remove him as he was an active Trade Union worker and also to remove the main obstacle against the *mala fide* activities of the office staff; that some witnesses were examined at the enquiry but they failed in establishing any charge against the workman; that the workman made his submissions before the Enquiry Officer in writing on 30th March 1961; that the prosecution had failed to establish the charge against him; that still the Enquiry Officer held him guilty; that thereafter on 3rd May 1961 the Traffic Manager asked the workman concerned to show cause within ten days as to why he should not be dismissed; that on receipt of this letter the workman asked for full copies of the enquiry proceedings; that he was informed that he was not entitled to get them; that the workman was thus deprived of an opportunity to file his written statement to the notice; that ultimately by a letter of 22nd November 1961, the workman was dismissed which dismissal is illegal, *mala fide* and out of vindictive attitude; that the punishment was

very severe and disproportionate; that the workman made a written application to the Chairman of the Port Commissioners as there is no Appellate authority; that the Union then approached the Regional Labour Commissioner who held conciliation proceedings which ended in failure and thereupon the present reference has been made. It was therefore urged that the order of suspension and dismissal should be declared to be unlawful, *mala fide*, unauthorised etc. and that the workman concerned should be ordered to be reinstated in his original post from 9th June 1960 with payment of full wages etc.

3. The employers namely the Commissioners for the Port of Calcutta (whom I shall hereafter refer to as Port Commissioners or merely as Commissioners) filed a written statement contending *inter alia* that the dispute referred for adjudication was an individual dispute and not an industrial dispute; that the allegation that the dismissal was illegal and unauthorised is not true; that the adjudication is confined to the issue of dismissal and not suspension; that on 11th May 1960 the establishment clerk Nirmal Kumar Das Gupta submitted a complaint stating that Mahabir had entered his office on 10th May 1960 and shouted at the top most voice demanding full amount of overtime earned by him upto May and charged the bill clerk Shri Chakraborty why he had not charged his full overtime; that thereafter on the same day at 4.30 P.M. when Shri Das Gupta and Shri Chakraborty were proceeding towards the Tram Depot while they were on their way home, Mahabir abused them and threatened them with serious injury; that the Asstt. Superintendent was authorised to hold a preliminary enquiry; that Mahabir attended the said enquiry but refused to make any statement unless he was advised by his Union; that the enquiry was adjourned to another date on which date he did not attend; but in the meanwhile sent a letter challenging the legality of the enquiry; that the said enquiry was thereupon abandoned because of the non-cooperative attitude of the workman; that thereafter he was placed under suspension from 11th June 1960 and a charge sheet was issued to him on 28th June 1960; that the allegation that the charges were not intelligible or that no opportunity for showing cause was given etc. are denied; that Mahabir did not avail himself of the opportunity of submitting a written statement but on the contrary adopted dilatory and unfair tactics to obstruct and frustrate the enquiry and though he reserved the right to file a written statement, if necessary, he did not do so at any stage before his participation in the enquiry; that the Commissioners had no knowledge of Mahabir having been an active Trade Union worker as alleged; that a chargesheet was duly served on the workman but he failed to submit any written statement, but asked for clear and legible copy of the chargesheet which was duly supplied to him and he was also informed that the enquiry would be held on 27th July 1960. The written statement then gives a detailed history about the inquiry. It then goes on to mention that after almost all witnesses had been duly examined, the workman submitted a written statement; that after consideration of the evidence and the relevant papers the Enquiry Officer held him guilty of all the charges and submitted his report; that by a letter of 3rd May 1961 Mahabir was directed to show cause against the proposed punishment of dismissal but by a letter of 15th May, 1961 he asked for copies of entire proceedings which request was not considered reasonable and was refused; that after full consideration of all materials on record, the Deputy Chairman of the Commissioners passed orders dismissing him from service with effect from 1st November 1961; that the different allegations made by the Union were not correct and were denied. The Commissioners therefore urged that the claim of the Union should be dismissed.

4. The present dispute relates to the dismissal of a workman named Shri Mahabir Ahir, who was Khalasi under the Kantapukur Superintendent of the Traffic Department of the Calcutta Port Commissioners. A chargesheet was issued to him on 28th June 1960 and he was ultimately dismissed with effect from 1st November 1961. The Union contends that this dismissal was illegal and *mala fide* and wants him to be reinstated. The employers have denied the various allegations of the Union. Neither party has led any oral evidence before me and reliance has been placed by both parties on the documentary evidence that has been produced in the case.

5. Before I proceed to consider the case on merits, I may mention that in their written statement the employers have contended that this reference is not maintainable as it relates to an individual dispute and not an industrial dispute. It is true that the dispute relates to a dismissal of an individual workman but it is now settled law that even the dismissal of one workman can become an industrial dispute if the case is taken up by the general body of the workmen, which appears to have happened in the present case. The case of Mahabir Ahir was taken up by the Union from the very beginning and I have no doubt that the dispute is an industrial dispute and not merely an individual dispute. As a matter of fact, at the time of argument, this point was not very seriously pressed before me.

6. Coming to the merits of the case, the facts leading to the present dispute are that Mahabir Ahir was working as a Khalasi. On 10th May 1960 he had gone to the office where the establishment clerk and others were sitting. It appears that there was some dispute about the overtime allowance payable to him. The Commissioners' case is that Mahabir began to shout at the top of his voice and had some sort of a quarrel with the bill clerk about the amount of overtime allowance due to him. On the other hand, the Union's case is that when Mahabir went to the office, he was not paid overtime allowance which was actually due to him and when he enquired about it, the clerk concerned told him that he knew nothing and asked him to get out of the office.

7. The Commissioners' further case is that on that very day about 4.30 P.M. when the establishment clerk and the bill clerk were going home, Mahabir met them and abused them and threatened them with a serious injury. The Union's case is that it was true that Mahabir met these clerks, but it is denied that he abused or threatened them. On the contrary, it is alleged that the establishment clerk told him that he and other clerks would give a joint petition to the Chairman and would get him dismissed and in reply to this he told them that if he lost his job because of this, he would not allow the establishment clerk to work.

8. On the next day (i.e. on 11. 5.60), the establishment clerk made a complaint in writing to the Superintendent about both incidents. On receipt of this letter a letter was written to Mahabir on 14th May 1960 informing him about the complaint made against him and he was asked to attend the Superintendent's office on the 17th when a preliminary enquiry was proposed to be held against him. In reply to this, Mahabir sent a letter on 16th May 1960 giving his version of the incidents and stated that he would not attend the proposed enquiry as it had not been ordered in accordance with the rules and that he would attend the enquiry when all the formalities were observed. He also said that the proposed enquiry was superfluous at this stage. Lastly he mentioned that he hoped that the letter would satisfy the Superintendent and the matter would be closed or that an enquiry would be held according to rules. On the 17th, the Assistant Superintendent wrote to the Superintendent mentioning *inter alia* that Mahabir had attended the enquiry but refused to give any statement until and unless he got advice in the matter from his Union office; that his view was accepted and a letter submitted by him was taken from him. The Assistant Superintendent further said that the preliminary enquiry could not therefore be completed and no opinion could be given.

9. On the 9th June, the Traffic Manager passed an order suspending Mahabir stating that an enquiry into his conduct was contemplated. On the 28th of June a memorandum was issued to him informing him that it was proposed to institute disciplinary proceedings against him. The grounds on which action was proposed to be taken were specified in the statement of charge enclosed with the memorandum; so also a statement containing allegations on which the charges were based was enclosed. He was required to submit a written statement of his defence before the 11th of July and also to state whether he desired to be heard in person whether he desired an oral enquiry to be held and also furnish names of his witnesses and to furnish a list of documents which he wished to produce in support of his defence. Lastly he was informed that if he did not file his written statement before the date specified, orders were liable to be passed *ex-parte*.

10. The statement of charges shows that there were four charges against the workman. The first charge was that on the 10th of May at 2.30 P.M. he had displayed a most insubordinate attitude towards the staff of the establishment section and in particular towards the bill clerk Chakraborty by shouting at them and demanding arrear of overtime. The second charge was that he had shown a dangerous riotous attitude and bad conduct on the 10th May 1960 at about 16.30 hrs by following establishment clerk Das Gupta and bill clerk Chakraborty and by threatening to assault them and incapacitate Das Gupta. The third charge was that he had refused to attend the preliminary enquiry into the charges enumerated in the first two charges which enquiry was arranged by the Assistant Superintendent on 17th May 1960 and this was wilful disobedience of lawful and reasonable order of his superior and further that this was an act of subversion of discipline. The fourth and the last charge that he refused to give signature or left thumb mark as an acknowledgement of having received the suspension order although the contents of the order were explained to him.

11. The statement of allegations on which the charges were framed mentioned that so far as charge No. 1 was concerned. It was reported by the establishment clerk in his statement of 11th May 1960 that Mahabir had entered the room of the establishment section on 10th May 1960 at 14.30 hours and shouted to the staff and in particular at the clerk Chakraborty demanding arrear overtime and that at that

time in addition to the staff of the establishment section namely Das Gupta and Chakraborty, the instance was witnessed also by one Shri D. N. Bannerjee and one K. K. Chatterjee. Regarding the second charge it was stated that the establishment clerk Das Gupta had reported that on 10th May 1960 at 16.30 hours he was going home with Chakraborty and at that time Mahabir followed them and during the course of conversation Mahabir abused both the clerks in a filthy language and threatened to assault Das Gupta and to incapacitate him. It was further mentioned that this was witnessed by some of the staff and also by another clerk. Regarding the third charge, it was stated that the Assistant Superintendent had reported on 17th May 1960 that Mahabir had refused to attend the preliminary enquiry into the charges alleged by him and also refused to give evidence in the said enquiry. Regarding the fourth charge, it was stated that Mahabir had refused to give his signature or thumb impression as an acknowledgement of having received suspension order although the contents of the order were explained to him by the Assistant Superintendent Chatterjee and Sweeping clerk Shri K. K. Chatterjee.

12. Mahabir replied to this memorandum which reply does not appear to bear a date but which appears to have been received by the Superintendent on 11th July 1960. In this letter, he acknowledged the receipt of the memorandum and stated that he desired to be heard in person; that he also desired an oral enquiry, that he would be represented by a Defence Counsel and that on hearing from the Superintendent, he would let him know the name of his defence counsel. He further mentioned that regarding the various charges, he could not follow the major portion thereof because they were illegible and he therefore requested that a typed copy of the charges or a copy written in clear and legible hand writing should be supplied to him and till it was received, it would not be possible for him to submit his explanation.

13. On 21st July 1960, the Superintendent replied to this letter of Mahabir, mentioning that an enquiry would be held in his office at 3 P.M. on 27th July 1960 and that Mahabir was directed to attend the enquiry along with documents if any and along with his representative. Two typed copies of charges and statements were enclosed with this reply as desired by Mahabir.

14. On 27th July 1960 Mahabir acknowledged the receipt of the letter of 21st July 1960 and invited the Superintendent's attention to his previous letter, wherein he had stated that he could not follow the contents of the annexures as they were not legible and wanted typed copies thereof. He further mentioned that in spite of time having been given to him, a tentative date and time for hearing were already fixed before he could submit his written statement and without giving him any chance to mention the names of his defence witnesses. He therefore submitted that the reserved the right to submit statement of defence if found necessary on a subsequent period and also that he should be given full scope to produce his evidence.

15. No enquiry was held on the 27th; but Mahabir was, in reply to the above letter, informed that the enquiry would be held on 9th August 1960 and he was asked to attend it on that date. It appears that Mahabir's defence counsel was not present on 9th August 1960 and so the enquiry could not be held. Mahabir sent a letter on the 10th mentioning this and further mentioning that he had learnt that his Defence Counsel was sick and requested that another date may be fixed for the enquiry. Thereupon the enquiry was fixed on 17th August 1960 and he was informed about it by letter of 10th August 1960. On that day also (17th August 1960) Mahabir gave a letter saying that his Defence Counsel Kamal Das Gupta was sick and was not able to move and was therefore unable to attend the enquiry, and prayed for an adjournment. An adjournment was granted and by a letter of 19th August 1960, he was informed that the enquiry would be held on 25th August, 1960.

16. On 25th August 1960 the enquiry was started. The first statement recorded was that of Mahabir Ahir. He was asked whether he had received the charges and whether he had understood them and he replied that he had received the memorandum and that he understood the contents thereof. He was then asked whether he pleaded guilty and he replied in the negative. He was then asked as to what he had to say with regard to the charges and in reply he said that he would state all that he had to say at the conclusion of the enquiry. Mahabir's thumb impression was taken on this statement, which was also signed by his Defence Counsel. It appears that the enquiry was then adjourned to 30th August, 1960 on which day the statement of clerk Chakraborty was recorded and this statement was signed not only by the clerk Chakraborty but also by the Defence

Counsel Das Gupta. The enquiry appears to have been then adjourned and ultimately we find that on 20th October 1960 a letter was written to Mahabir saying that the next date of enquiry was fixed on 22nd October 1960 and that the enquiry would be held by one Shri B. B. Banerjee, Assistant Superintendent, Jetty Labour. On receipt of this letter Mahabir wrote a reply to it on the very day stating that he had already submitted his resignation from the service of the Port Commissioners as a protest of ill treatment; that the said resignation was still pending and that in the circumstances, it was not necessary that he should appear before the proposed enquiry on 22nd October 1960; and that the enquiry should be kept in abeyance till the question of his resignation was finally decided. On 25th October 1960 he was informed that his resignation had not been accepted and that the enquiry would continue and the next date of hearing was fixed on 31st October, 1960. It appears that this letter did not reach Mahabir in time. Probably the Enquiry Officer did not know about this and he recorded several statements on 7th November 1960 and 8th November 1960. In the meanwhile, Mahabir wrote a letter on 4th November 1960 to the Superintendent stating that the letter of 25th October 1960 was delivered to him only on 4th November 1960 and hence it was not possible for him to attend the enquiry. He then said that he was surprised that his resignation was not accepted and that it meant that his allegations were accepted. Lastly he said that if there was to be an enquiry, it should be held by an Officer not below the rank of Asstt. Secretary. On 3rd December, 1960, the Traffic Manager wrote a letter to the Assistant Superintendent, Jetty Labour, who had held the enquiry on 7th November 1960 and 8th November 1960 stating that the notice which had been issued by the Superintendent on 25th October 1960 fixing the date of enquiry as 31st October 1960 had been received by Mahabir only on 4th November 1960 and in the circumstances, it would be necessary to fix another date for the enquiry and to advise Mahabir about it well in advance. It was further mentioned that Mahabir should be informed that question of acceptance of his resignation could not be considered till the enquiry was concluded and also that his request that the enquiry should be held by an officer not below the rank of Assistant Secretary could not be acceded to. It appears that later on, the enquiry was entrusted to one Shri B. A. Tikku, Superintendent of the Tea Ware House.

17. On 6th January 1961 the Superintendent of the Tea Ware House in his capacity as Enquiry Officer wrote to Mahabir Ahir informing him that the question of acceptance of his resignation could not be considered till the enquiry against him was concluded and that his request that the enquiry should be held by an Officer not below the rank of Assistant Secretary could not be acceded to. He was further informed that the enquiry would be held by the Superintendent, Tea Ware House, who had been nominated for the purpose of holding enquiry and that he should appear before him on 2nd February 1961 when the enquiry would be resumed. On 28th January 1961 Mahabir replied to this. The earlier part of it dealt with the question of acceptance of his resignation and the question of an enquiry to be held by an Officer not below the rank of Assistant Secretary and lastly he said that he would attend the enquiry on 2nd February 1961 and that A. R. Chatterjee, Gate Supervisor, would act as Defence Counsel.

18. It then appears that the enquiry was duly held by the Superintendent of Tea Ware House on different dates. Several witnesses were examined and were cross examined by Shri Chatterjee as Defence Counsel on behalf of Mahabir and the different statements recorded by the Enquiry Officer bear the signatures of the persons making them and also of the Defence Counsel and Enquiry Officer.

19. It appears that after the enquiry was held on several dates during the course of which several statements were recorded, the enquiry was fixed on 3rd April 1961 on which day the Defence Counsel did not attend and Mahabir asked for postponement. The Enquiry Officer wrote a letter to Mahabir informing him that the matter was being postponed that day as Defence Counsel was not present and that the enquiry would be held on 4th April 1961; that the hearing of the evidence had not been completed nor had Mahabir's statement been recorded and it was therefore desirable that the Defence Counsel who had hitherto been attending the hearing should continue to do so and that it was expected that the enquiry would be concluded in another two or three sittings. The letter further mentioned that in case the Defence Counsel did not attend the sittings of the enquiry, it would be proceeded with in his absence and Mahabir's examination and statement would have to be recorded in the absence of the Defence Counsel. It appears that the Defence Counsel did not appear on 4th April 1961 or even on 5th April 1961 to which date the matter was adjourned. In the meanwhile, however, Mahabir presented a written statement in writing which bore his thumb mark and which was also signed by his Defence Counsel on 30th March 1961. It further appears that on 2nd April 1961, A. R. Chatterjee, who was acting as a Defence Counsel, wrote a letter to the Union

stating that he would not appear any further in person before the Enquiry Officer; that the enquiry had almost been completed excepting arguments; that he did not feel that there was any necessity of placing anything in arguments as the prosecution had miserably failed. Lastly he said that he was not inclined to waste the time of the Enquiry Officer and that the Union should inform the Enquiry Officer accordingly. The Union accordingly wrote a letter to the Enquiry Officer on 3rd April 1961 enclosing a copy of this letter of Shri Chatterjee. It is not clear as to when this letter of the Union was received by the Enquiry Officer but the fact remains that after 3rd April 1961, A. R. Chatterjee did not appear in the inquiry proceedings.

20. On 5th April 1961, Mahabir informed the Enquiry Officer that he had approached his Defence Counsel both on that day and also on the previous day requesting him to appear at the enquiry but he had not come. Mahabir further said that he was not prepared to give his thumb impression on any statement made by him in the absence of his Defence Counsel. He was explained that the Enquiry Officer would explain to him carefully the statements that may be recorded and if he so desired he could get them explained by another staff from the office. Mahabir however stated that he would still not give his thumb impression or attend the enquiry any further as he had confidence only in his Defence Counsel and unless the Defence Counsel was present and advised him to give his thumb impression or to make a statement, he would not do so. It appears that after this the enquiry proceeded *ex-parte*. It further appears that only one more statement was recorded by the Enquiry Officer on 6th April 1961 and that was of the Superintendent, Kantapur. On 10th April 1961, the Enquiry Officer gave his findings holding him guilty of all the four charges and forwarded the same to the Traffic Manager. On 3rd May 1961, the Traffic Manager issued a notice to Mahabir stating that after considering the proceedings of the enquiry held against him, he had arrived at the conclusion that the four charges had been proved against him and that he was guilty of the same and further that the Traffic Manager therefore provisionally formed the opinion that he should be dismissed from the Commissioners' service. A copy of the Enquiry Officer's report was sent to Mahabir along with this notice. Mahabir was asked to show cause within ten days why the proposed penalty should not be inflicted on him. On receipt of this notice Mahabir replied to it on 15th May 1961. He firstly challenged the Enquiry Officer's findings as perverse. He then said that to give an explanation to the notice he would require a full set of papers including the evidence on record of all exhibits etc. and requested for the same. On 26th July 1961, he was informed that he was represented at the enquiry by his Counsel; that he was also acquainted with all the evidence and the exhibits in the enquiry and he was not entitled to the papers asked for by him. He was further informed that unless he showed cause against the proposed punishment within a fortnight, it would be taken that he did not want to show any cause. On 7th August 1961, Mahabir wrote to the Traffic Manager again asking for copies of the entire evidence and exhibits in the case. On 22nd November 1961, he was informed by the Superintendent that he had been dismissed from the Commissioners' service with effect from 1st November 1961.

21. The facts as narrated above are clear from the different papers which have been produced in the case and are not in dispute. Several contentions have however been raised by the Union on points of law, interpretation, etc. to which I shall refer at the proper places.

22. The law about the powers of a Tribunal when a workman has been dismissed as a result of departmental enquiry is now well settled. The Tribunal is not sitting in appeal against the findings of a domestic enquiry. It has no power to consider whether the evidence before the domestic enquiry was reliable or not nor can it consider whether it was sufficient or not. The Tribunal can and must interfere if the finding is perverse or not bonafide or principles of natural justice have not been followed or if it finds that the dismissal was vindictive or amounted to unfair labour practice. If, however, the finding of domestic enquiry is not accepted because of the enquiry being held not proper, it would be open to the employer to lead evidence before the Tribunal to support the finding and in such case the Tribunal can go into the evidence before it and give appropriate findings. This position of law is now well settled and was not disputed before me.

23. In the present case, the workman concerned namely, Mahabir Ahir was served with a chargesheet on 28th June, 1960, with four charges levelled against him. An enquiry was held in the matter. The Enquiry Officer has held the charges proved and as a result, he has been dismissed. The Union has raised several objections against the enquiry and against the order of dismissal and I shall deal with them one by one.

24. The first contention of the Union is that the workman was not given an opportunity to file a written reply to the chargesheet and this has vitiated the enquiry. As I mentioned above, what happened was that the workman had received the chargesheet on 28th June, 1960, along with which a statement of charges and a statement of allegations on which the charges were framed were sent to him and he was asked to submit his written statement before 11th July, 1960. The workman wrote a letter on 11th July, 1960, stating that the statements enclosed with the memorandum of chargesheet were illegible and requested for a typed copy or a copy written in clear and legible hand-writing. By this very letter he also stated that he wanted to be heard in person; that he wanted to have an oral enquiry and that he would be represented by his defence counsel. On 21st July, 1960, a letter was written to him informing him that the enquiry would be held on 27th July, 1960 and along with this letter two typed copies of charges were sent to him. It does therefore appear that a day for holding the enquiry was fixed before the workman could reply to the charges i.e. before he got a legible copy of the charges. This however does not mean that he did not get an opportunity to file a written statement because not only no enquiry was held on the day mentioned in this letter but opportunities were given to him thereafter from time to time to do so.

25. On 27th July, 1960, the workman wrote a letter acknowledging the receipt of the letter of 21st July, 1960 and stating therein that he had not been able to follow the contents of the enclosures which were not legible and hence he was not able to submit his written statement. He further stated that in spite of this a tentative date was fixed for hearing and that he had not been given any chance to mention the names of his defence witnesses. He therefore submitted that he reserved the right to submit his statement of defence if found necessary at a subsequent period and that he would have to be given full scope to produce the evidence. This clearly shows that the workman knew that he had to file a written statement and had to give a list of defence witnesses and instead of doing so when he got a legible copy of the charges along with the letter of 21st July, 1960, he wrote a letter reserving his right to do so if found necessary at a future period.

26. It then appears that no enquiry was held on 27th July, 1960, but it was adjourned from date to date at the instance of the workman concerned. On 25th August, 1960, the enquiry was started and the workman concerned was put a few preliminary questions. A question was put to him as to what he had to say regarding the charges against him and his reply was that that he would state all that he had to say with regard to the charges at the conclusion of the enquiry. This statement was signed not only by him but by his defence counsel also. This would clearly indicate that the workman had sufficient opportunity to file a reply and a written statement to the charges framed against him but he did not do so. Actually he deliberately avoided doing so, stating that he would do so at the conclusion of the enquiry. Incidentally, I may mention here that at the conclusion of the enquiry he did file a written statement on 4th April, 1961. I therefore hold that the contention of the Union that the workman was denied an opportunity of filing a written statement and thereby vitiating the enquiry has no force.

27. The next contention of the Union was that so far as charge No. 1 was concerned, that charge could not be held proved even on the facts alleged. The charge was that Mahabir was guilty of insubordinating attitude towards the staff of the establishment on 10th May, 1960 and in particular towards the bill clerk by shouting at them and demanding arrear overtime. It was contended that the workman was not subordinate to the clerks; that the clerks did not ask him to do something, which he refused to do and hence by no stretch of imagination could it be said that the workman was guilty of insubordination.

28. We have to remember that the charges framed in a case of this type shall not be taken too literally. The charges are framed by persons who are not conversant with law and it would not be right to scrutinise them in the same way when a charge framed by a magistrate or a Sessions Court is being scrutinised in appeal. What has got to be considered is whether the workman could understand what he was charged with and if that is established, that is enough.

29. Though in the present case the statement of charges mentions the first charge as to be one of insubordinating attitude, the point is made clear that what he had done was that he had shouted at the clerks and had demanded arrear overtime. In the statement of allegations also it has been mentioned that the workman had shouted at the staff and in particular at the clerk concerned.

30. In this connection, I would refer to the case of Calcutta Jute Manufacturing Co. Ltd. *vs.* Calcutta Jute Manufacturing Workers' Union (1961), II L.L.J. 686,

where the Supreme Court has held that insubordination would include definite of persons in authority whether such persons were the direct superiors of the workman or not, and further that it (insubordination) would also include riotous conduct which made it impossible for the higher officers to discharge their duties properly.

31. Mahabir may not have been directly subordinate to the clerks; but the conduct alleged (and held proved) against him amounts to defying the clerks, and to riotous conduct which would make it impossible for the clerks to discharge their duties properly. This would amount to insubordination and it cannot be said that the first charge could not be held proved even on fact alleged.

32. Regarding the second charge it was contended that this related to the behaviour of the workman outside working hours, and that it did not affect the working of the clerks, and that it would in effect be only a private quarrel. It is to be remembered that the incident mentioned in the second charge took place soon after the incidents mentioned in the first charge. At about 2-30 p.m. the workman had gone to the office where he had altercation with the clerks, where he had shouted at them etc. Soon thereafter at 4-30 p.m. when the clerks had gone only a short distance from the office, while they were on their way home, the workman concerned followed them and abused them in filthy language and also threatened to assault the establishment clerk and to incapacitate him. In his letter of 16th May, 1960, the workman has admitted that the quarrel was regarding overtime allowance payable to him. Thus, the altercation and the quarrel which took place between him and the clerks was in connection with their duties and took place while the clerks were just on their way home from duty. In my opinion, the incident cannot be dismissed on the ground that it was a private quarrel but it must be taken to be an incident which occurred while the clerks were on duty and this would mean that Mahabir abused and threatened the clerks while on duty.

33. The third charge was that Mahabir refused to attend the preliminary enquiry into the allegations made against him. It appears that after the incidents which are the subject matter of the first two charges had happened, the clerks made a complaint to the Super-intendent who thereupon directed the Assistant Superintendent to hold a preliminary enquiry and the workman concerned was asked to attend the preliminary enquiry on 17th May, 1960. It appears that the workman wrote a letter on 16th May, 1960, in which he gave his version of the incidents and stated that he would not attend the enquiry which was not an enquiry according to rules (i.e. it was not a departmental enquiry). He further stated that the proposed enquiry was superfluous at the stage. The Assistant Superintendent made a report on the 17th to the Superintendent in which he mentioned that the workman had attended the enquiry but refused to give any statement in the enquiry until and unless he get advice from the Union office. He further stated that this view was accepted and the workman submitted a letter of statement in response to the memorandum issued to him. The third charge is in connection with this and it is to the effect that the workman refused to attend the preliminary enquiry and this amounted to wilful disobedience of lawful and reasonable order and that this was also an act of subversion of discipline. I do not agree with this interpretation of the facts of the management.

34. No one is bound to attend an enquiry against him, much less preliminary enquiry. If he does not attend it, what could be done is that the enquiry can be held *ex-parte* and the person concerned would have to bear the consequences thereof. It cannot however be said that he was guilty of wilful disobedience of a lawful order or that he was guilty of an act of subversion or discipline. Here the enquiry was only a preliminary enquiry and if the workman did not attend it, it could have been held in his absence and if a *prima facie* case was made out, a regular enquiry could have been ordered. Actually that is what actually happened. Because the workman did not participate in the so called preliminary enquiry, the management suspended him and issued a chargesheet against him and held a regular enquiry. This was perfectly proper. But merely because a person does not attend a preliminary enquiry against him, he cannot be said to be guilty of misconduct. It may be remembered here that the workman did attend the preliminary enquiry and he did give a written statement of his version of the facts and then stated that the proposed preliminary enquiry was not a regular departmental enquiry and he therefore did not think it proper to attend it and also that the said preliminary enquiry was superfluous. As I stated above, a person is not bound to attend even a regular enquiry against him, much less is he bound to attend a preliminary enquiry against him, and, if person fails or neglects to do so, the enquiry may be held *ex-parte* and the workman would have to face the consequences of the findings of that *ex-parte* enquiry. I

might however repeat that failure to attend a preliminary enquiry cannot be said to amount to disobedience of a lawful and reasonable order or an act of subversion of discipline. I would therefore hold that even on facts as alleged, charge No. 3 cannot be held to be proved.

35. Regarding charge No. 4, it was a charge regarding refusal to give his signature or thumb impression as an acknowledgement of having received the suspension order. It is certainly desirable that a person should put his signature or thumb impression acknowledging a letter or order served on him; but if he fails to do so, it would not be correct to say that he is guilty of misconduct. Hence, regarding this charge also, I would hold that even on the facts as alleged by the Commissioners, there was no misconduct.

36. It was then contended that when order of dismissal is based on the findings of an enquiry officer and some of the findings turn out to be unsustainable, it is not desirable or proper to allow the order of dismissal to stand in as much as it is not possible to ascertain to what extent the bad finding operated in the mind of the dismissing authority or whether the dismissal order would have been made at all if only the remaining findings had been before it. Reliance was placed in this connection on the case of Nripendra Nath Bagchi Vs. Government of West Bengal, reported at 1961 II L.L.J. 312. This was a decision given by the High Court in a writ proceedings under Article 226 of the Constitution where the High Court's jurisdiction is limited.

37. On the other hand, reliance was placed on behalf of the Port Commissioners on the case of N. Kalindi Vs. Tata Locomotive & Engineering Co. Ltd., reported at XVIII, Indian Factories Journal 124. This was a decision of the Supreme Court in an appeal against the decision of an Industrial Tribunal which decided applications made to it under section 33A of the Industrial Disputes Act. It was held in this case that an order of dismissal made by an employer after proper enquiry into the misconduct of a workman cannot be held to be invalid merely because:

- (a) an act of misconduct not mentioned in the chargesheet was also mentioned in the order of dismissal, where, even leaving out of account this act of misconduct, the employer would have made the order of dismissal on the other acts of misconduct;
- (b) of error in describing the acts of misconduct when the misconduct with which the workman was chargesheeted was the one which weighed with the employers; or
- (c) of clerical errors in the order of dismissal which have not affected the merits of the order.

38. This case dealt with the dismissal of several workman. In the case of some workmen, the chargesheet mentioned four different acts of misconducts, (1) participating in an illegal strike; (2) leaving your appointed place of duty; (3) inciting other employees to strike work; (4) threatening and intimidating other workers. The enquiry officer found each of the workmen guilty of the first three charges. He recorded no finding as regards the fourth charge but instead found the workmen guilty of misconduct not mentioned in the chargesheet namely, behaving in a riotous and disorderly manner by shouting slogans on the shop floor. On behalf of the workmen, it was urged that as it was not possible to ascertain as to how this finding of guilt was regards misconduct not mentioned in the chargesheet affected the decision of the management, the order of dismissal must be set aside. After examining the record, the Supreme Court held that leaving out of account the misconduct not mentioned in the chargesheet, the manager would have made the order of dismissal and the fact that this act of misconduct not mentioned in the chargesheet was also mentioned as one of the items on which the order of dismissal was raised did not affect the validity of the order. In the case of another workman, he was charged with the same four different acts of misconduct as mentioned above and the order of dismissal mentioned that he had been found guilty of entering the works while not on duty and inciting other employees to strike work and was therefore dismissed. It was argued that as he had not been accused in the chargesheet for entering the works while not on duty, but this had been taken into consideration on deciding his punishment, the order was bad. This contention was also not accepted.

39. In the case of an Industrial Tribunal hearing a reference regarding an industrial dispute, though it is not sitting in appeal against the findings of a domestic enquiry, it has the power in appropriate cases to go into the merits of the case on the basis not only of the evidence before the domestic enquiry but

also before it and pass appropriate orders. In other words, it has in certain respects wider powers than the powers of a High Court hearing a writ petition under Article 226 of the Constitution of India. In my opinion, it would be open to the Tribunal to consider as to what weighed with the Employers in passing the order of dismissal and it would uphold that order if it found that the employers would have passed that order even if the charges which are held to be tenable were the only charges against the workman concerned.

40. In the present case, there can be no doubt that the first two charges are serious and even if the other two charges were not there, the employers would have dismissed the workman on finding him guilty of the first two charges. I would even say that if charges 1 and 2 were not there, the employers may not have framed charges 3 and 4 or even if charges 3 and 4 had been framed, they would not have led to the dismissal of the workman on being found guilty of those charges alone. It may be remembered that the workman was suspended as a result of the first two charges alone. A complaint was received against him regarding the incidents which resulted in the framing of the first two charges and he was suspended because of the allegations made in these two charges. I am satisfied that the Commissioners would have dismissed the workman on his being held guilty on these two charges alone even if the other two charges (namely charges 3 and 4) had not been there.

41. It was then contended that the Port Commissioners have no Standing Orders and hence there was nothing to show that insubordination or assault amounted to misconduct for which a workman could be dismissed. It is unfortunately true that so far the Commissioners have no certified Standing Orders. It appears that on coming into force of the Industrial Employment Standing Orders Act, 1946, the Government of India exempted the Calcutta Port authorities from adopting the Standing Orders. The Commissioners, however, at their meeting held on 21st January, 1957, framed, subject to the sanction of Government, a set of rules entitled, 'Commissioners Service (Disciplinary and Punishment) Rules, 1957'. The Government of India suggested a number of modifications to these rules. The rules were accordingly revised and sent them for Government sanction in 1959. Somewhere in February or March, 1963, the Government returned them to the Commissioners suggesting further modifications. The Rules have thus not yet been finalised.

42. This does not mean that there can be no misconduct warranting dismissal. Apart from the fact that on broad principles, insubordination and/or assault would amount to misconduct, for which a workman can be dismissed, we have the further fact that the Commissioners for the Port of Calcutta had some Standing Orders, copies of which have been produced before me. They show that wilful insubordination, and riotous or disorderly behaviour during working hours are included in "misconduct". I may mention here that the Union itself produced before me a Printed Pamphlet issued by the Calcutta Port Commissioners and relied on it to show that it did not define the above acts as misconduct. This pamphlet is however headed "नौकरी की और शर्त" (Further conditions of service).

The word "और" (further) clearly indicates that the conditions stated in this pamphlet are in addition to the existing conditions. The Pamphlet mentions that these conditions were approved by the Commissioners in a resolution passed on 22nd June, 1959 and were approved of by the Government in a letter of 14th July, 1959. This would show that pending finalisation of the rules, the existing Standing Orders are continuing in force; and according to them, Mahabir's conduct complained of amounted to misconduct for which he could be dismissed.

43. It was then contended that the notice to show cause against the proposed punishment was illegal as it was not issued by the dismissing authority. Under Section 32 of the Calcutta Port Act, the Chairman and the Deputy Chairman have the power to dismiss an employee whose monthly salary exclusive of allowances is less than 1000. Under sub-section (2), the Chairman can delegate to the Head of any department for the time being all or any of the powers under the first sub-section in respect of employees of that department whose monthly maximum salary exclusive of allowances does not exceed Rs. 350. It appears that the Chairman of the Calcutta Port Trust had in 1951 and 1953 delegated to the Heads of departments for the time being several powers but all these delegated powers were withdrawn in 1956. The position therefore at the time of the present incidents was that only the Chairman and the Deputy Chairman had the power to dismiss the workman.

44. It is not in dispute that the order of dismissal was passed by the Chairman or the Deputy Chairman in the present case but what was urged was that the dismissal was illegal because notice against the proposed punishment was not

issued by the Chairman or Deputy Chairman but was issued by the Superintendent who had no power of dismissal. It was contended that under Article 311 of the Constitution of India, a person could not be dismissed until he was given a reasonable opportunity of showing cause against the action proposed to be taken against him. It was urged that it was only the authority who had the power to dismiss a person from service that had to make up tentatively his mind about the punishment. If a subordinate authority did so, it could not be said to be in compliance with the provisions of law. It was urged that in the present case the proposed punishment was a decision of a subordinate authority and not of the Chairman or the Deputy Chairman and so the notice was illegal.

45. Various cases were cited before me to show that an opportunity to make representation as to why the proposed punishment should not be inflicted on him has to be given to a person; and this he can only do if the competent authority after the enquiry is over and after applying his mind to the gravity or otherwise of the charge proved against the Government servant tentatively propose to inflict one of the three punishments and communicate the same to the Government servant. This would mean that the authority having power to dismiss a person should apply his mind to the gravity or otherwise of the charges proved against the Government servant and then tentatively propose to inflict one of the punishments and give an opportunity to the person concerned to make a representation against the proposed punishment. The power cannot be delegated. It has also been held that it would make no difference that the file was subsequently sent to the authority who could pass order of dismissal because it may be that if the punishing authority had seen the file at earlier stage, they may not have necessarily accepted the finding to the effect that the charges were proved and also it is not unlikely that they may not have agreed with his recommendations that the tentative punishment proposed should be one of dismissal and may even have decided a lesser punishment would have sufficed. At the later stage the punishing authority may feel that it was too late to reverse the decision and may be constrained to approve of the proposed action. All the cases cited were regarding action against public servants, where Article 311 of the Constitution of India was applicable.

46. In my opinion, the employees of the Calcutta Port Commissioners are not governed by the provisions of Article 311 of the Constitution of India. They are not members of a civil service of the Union or of an all India service or a civil service of a State, nor do they hold civil posts under the Union or a State. Article 311 therefore would not be applicable to them and it would not be necessary to issue a notice to them about the proposed punishment.

47. I may here refer to the case of *Imperial Tobacco Co. of India vs. its workmen*, 1961 II L.L.J. 414. In that case the relevant Standing Orders of the establishment laid down an elaborate procedure for enquiries into charges of misconduct. Those rules specifically provided that the enquiry officer should appraise the evidence and record his conclusion as to what misconduct had been proved and also to decide what punishment he intended to inflict. Thereafter he had to ask the employee what he had to say against the intended punishment and it was only after taking an explanation of the employee as to the intended punishment that he could pass an order punishing him. Because of these provisions in the Standing Orders, the Supreme Court held in that case that even if the employee withdrew from the enquiry, it did not absolve the enquiry officer from following the above procedure. This decision by necessary implication means that in the case of employees other than public servants to whom Article 311 of the Constitution of India applies, it is not obligatory that a notice must be issued to the employee about the proposed punishment unless the Standing Orders specifically provide for the same. If there was no such provision, the employee is not entitled to a notice of this type and what is necessary in such a case is that the principles of natural justice should be followed. These principles require that the person concerned must be given a reasonable opportunity of defending himself by cross examining the witnesses examined against him and by being allowed to produce evidence in his own defence. If after all this is done, the enquiry officer makes a report holding him guilty, it is not obligatory on the employer or the dismissing authority to issue any other notice to him about the intended punishment. That being so, in the present case, the fact that the notice was issued by a subordinate authority and not by the authority which had power to dismiss Mahabir would not affect the ultimate order passed in the case.

48. It was then contended that the workman was not given copies of all papers asked for by him when the notice was issued against him to show cause against the proposed punishment. I think it would have been better if copies were supplied to him, but non-supply of copies does not appear to have caused any prejudice to him. It appears that the workman had appeared throughout the

proceedings and was represented by a defence counsel and all the evidence was recorded in their presence. After all this was done the workman concerned filed a written statement replying to the allegations made against him by the different witnesses. In other words, he had sufficient notes if not actual copies of the statements of different witnesses. Only one witness was examined after he withdrew from the enquiry and so far as that witness is concerned, his evidence was not material as that witness was a formal witness, who mentioned only about his having received a complaint and a report. He had no personal knowledge on any point and his evidence did not affect the findings of the enquiry. Failure to give copies therefore did not in any way prejudice the workman. Further, as held above, it was not necessary to give him a notice about the proposed punishment and hence also he was not entitled to the copies.

49. It was argued that there was no provision for an appeal and therefore the order of dismissal should be held to be illegal. It is true that it would be desirable to make provision for allowing an appeal to be preferred against an order of dismissal; but merely because there is no provision for appeal, it would not be said that an order would be illegal. Under the Calcutta Port Act, the Chairman and the Deputy Chairman have power to dismiss an employee whose maximum salary is Rs. 1000 while in other cases the power rests with the Commissioners. If the power is delegated, provision could be made for appeal; but in any case, in the case of an employee whose maximum exceeds Rs. 1000, the Commissioners alone have the power to dismiss him. There cannot be any higher authority than the Commissioners and such an employee would in any case therefore have no right of appeal. That however would not mean that if in a proper case such an employee were dismissed, the dismissal should be held to be illegal.

50. The result is that none of the contentions of the Union can be accepted. I therefore hold that the dismissal of Mahabir Ahir is proper and justified and he is not entitled to any relief. Parties will bear their own costs.

I pass my award accordingly.

(Sd.) L. P. DAVE,

Dated, The 31st December, 1963.

Presiding Officer.

[No. 28/24/62/LR.IV.]

S.O. 308.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the Calcutta Port Commissioners, Calcutta and their workmen, which was received by the Central Government on the 6th January 1964.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 1 OF 1963

PARTIES:

Employers in relation to the Calcutta Port Commissioners, Calcutta,

AND

Their workmen.

PRESENT:

Shri L. P. Dave—Presiding Officer.

APPEARANCE:

On behalf of employers—Shri G. V. Karlekar, Chief Labour Officer.

On behalf of workmen—Shri Rajani Mukherjee (Adviser), Shri A. L. Roy, (Adviser).

STATE: West Bengal

INDUSTRY: Port

AWARD

The Government of India, Ministry of Labour and Employment, by their order No. 28/24/62-LR.IV dated 7th January, 1963, have referred the industrial dispute existing between the employers in relation to Calcutta Port Commissioners, Calcutta, and their workmen in respect of the matters specified in the schedule annexed to the order for adjudication to this Tribunal. The matters specified in the schedule are as under:—

1. Whether the removal of Shri A. R. Chatterjee, Gate Supervisor, No. 8 Workshop, Calcutta from the services of the Commissioners for the Port of Calcutta, by the Port Administration was justified; and

2. If not, to what relief he is entitled?

2. In response to notices issued by the Tribunal, the parties filed their written statements. The workmen represented by the Calcutta Port Commissioners Workers Union (which I shall hereafter refer to as the Union) contended *inter alia* that the workman concerned in this dispute, namely Shri A. R. Chatterjee, is the elected representative of the workmen and was illegally transferred to a distant place with the ulterior intention of isolating him and for ensuring safety to the personal interest of the officers of the Chief Mechanical Engineering Department to take away materials belonging to the Commissioners for their personal use; that Chatterjee was exclusively appointed as Gate Supervisor of the main gate and could not be transferred to another place; that Chatterjee became unpopular with the Officers of the departments because of his insistence on strictly complying with the rules; that the Officers therefore were determined to remove him from this place at any cost more so when he enrolled himself as a member of the Union and started taking active part in the Trade Union activities, that he acted as a Defence Counsel at several departmental enquiries; that he fell ill on and from 27th January 1960 and when he became fit to resume duties with effect from 6th April 1960 and when he reported for duty as Gate Supervisor, he was refused that post on the ground that he had been transferred to the Security Officer's office; that he wanted a written order which was not issued and he was not also allowed to perform his duties at the main gate; that the Union took up his case and the matter was brought to the notice of the authorities; that he attended his place of duty every day but he was not allowed to perform duty and ultimately a chargesheet dated 8th August 1960/8th September 1960 was served on him on 15th September 1960; that he replied to this denying the allegations and stated that he should be allowed to resume his duties forthwith; that by a letter dated 3rd November 1960, he was asked whether he had to say anything else other than what he had stated in his written statement; that he replied to this letter, that thereafter the authorities tried to fix an enquiry without offering any scope to him to submit his written statement and the enquiry was sought to be held by the Security Officer who was directly connected with the dispute; that he protested against this; that the authorities held an *ex-parte* enquiry and ultimately the Security Officer asked him by a letter dated 30th August 1961 as to why he should not be removed from service; that he replied that the entire proceedings were bad in law; that thereafter the authorities removed him from service; that he then submitted a written petition to the Chairman of the Commissioners but no action was taken on it; that the Union then approached the Regional Labour Commissioner who held conciliation proceedings which failed and ultimately the present reference has been made. The Union further contends that the Commissioners have not framed any Standing Orders, rules or service conditions binding on the employers wherein unauthorised absence is stated to be an offence nor has any punishment been prescribed for it; that therefore the Commissioners have no right to remove an employee from service on this ground; that Chatterjee's removal was arbitrary, capricious and illegal; that the enquiry was also not proper, firstly because the enquiry officer himself acted as a witness and also as judge; that by suggesting punishment he had prejudiced the mind of the authorities; that no reason for such finding was given by him; that he had formed his opinion long before the actual commencement of the enquiry; that the punishment is very severe and out of proportion. The Union urged that the order of removal of Chatterjee should be set aside and he should be reinstated in his original post with effect from 6th April 1960 with full pay and allowance etc. and that the period of absence from duty on account of illness from 27th January 1960 to 5th April 1960 should be ordered to be treated as leave without pay and further that proper damages should also be awarded to him.

3. The employers, namely the Commissioners for the Port of Calcutta, (whom I shall thereafter refer as Port Commissioners or merely the Commissioners), by their written statement, contended *inter alia* that the dispute referred for adjudication is an individual dispute and not an industrial dispute; that several of the allegations made in the written statement of Union are irrelevant, misleading and not correct; that it is not true that the dispute relates mainly to the illegal and unauthorised order of transfer of Chatterjee; that the employers have no knowledge that Chatterjee was elected representative of the workmen; that it is not true that he could not be transferred to any other post; that the allegations against the Officers of the Chief Mechanical Engineering Department are not true; that it is true that he acted as Defence Counsel in departmental enquiries; that Chatterjee was found absenting without prior intimation on a number of occasions in each month either for the whole day or for half a day or days together as a result of which the work of gate supervision suffered greatly; that when he was asked for explanation, he acted rudely; that as a result he had been verbally warned

by the Secretary of the Calcutta Port Commissioners for his irregular attendance; that in spite of this he did not improve his attendance and ultimately a letter was written to him pointing out that his attendance was very unsatisfactory and he was asked to submit his explanation; that in his reply he did not give any satisfactory explanation but submitted a vague reply that leave had already been granted to him; that he continued to remain absent occasionally without notice; that thereafter a charge was issued to him about his irregular attendance; that he gave an explanation and thereafter an enquiry was held and he was warned to be more careful in future; that after this the attendance improved slightly but his punctuality deteriorated and he started attending late for his duties; that on being personally asked about this, he gave an assurance that he would not be late in future; that in the meanwhile the Chief Mechanical Engineer gave him directions in writing regarding hours of work etc; that in reply to this, Chatterjee raised a number of irrelevant matters and the Chief Mechanical Engineer therefore forwarded the entire correspondence to the Secretary; that after this Chatterjee was again found absent, not punctual etc; that ultimately the Security Officer withdrew him from the work of Gate supervision with effect from 27th January 1960 with a view to utilise him in the office and verbally informed him accordingly on 25th January 1960; that the allegations about his having fallen ill are not substantially correct. The written statement then narrates in detail the events after this. In substance, the allegation is that Chatterjee wilfully remained absent from 27th January 1960; that ultimately a chargesheet was served on him on 8th September 1960; that in reply, he raised irrelevant matters; that he did not attend the enquiry though he was duly informed; that he was found guilty and ultimately removed from service. Chatterjee's revision application addressed to the Chairman was rejected by him, after going through the papers. The Commissioners therefore urge that Chatterjee is not entitled to any relief.

4. The present dispute relates to the removal from service of one Shri A. R. Chatterjee who was appointed as Gate Supervisor in November 1954. He has been removed from service on the ground of continuous absence from 27th January 1960 without leave. Neither party has led any oral evidence. Both sides rely on the documents produced in the case. The Union has also raised several points of law, to which I shall refer at the appropriate place.

5. The facts which emerge from the documentary evidence in the case are that Chatterjee was working as Gate Supervisor at the main gate of No. 8 workshop from November 1954. The Security Officer under whom he was working informed him on 25th January 1960 that he should work in his office from 27th January 1960 (26th January 1960 being a holiday). Chatterjee did not attend his duties from 27th January 1960. He wrote a letter on 3rd February 1960 stating that he would not be able to attend his duties till 5th February 1960 and asked for leave for 10 days from 27th January 1960 to 5th February 1960, sufficing to it the holiday of 26th January 1960. Even after the expiry of this ten days' leave, he did not join his duty, but sent a medical certificate dated 19th February 1960 to the effect that he was suffering from sub-acute bronchitis from 27th January 1960 and was advised rest for three weeks. He reported for duty on 22nd February 1960 with a medical certificate dated 20th February 1960 from a medical practitioner stating that he was found fit to resume duties. The Security Officer asked him to go to the Chief Medical Officer of the Commissioners of Port of Calcutta and gave him a letter addressed to the Chief Medical Officer in a printed form and another form to be signed by the Chief Medical Officer which was to show whether the Chief Medical Officer found him fit or not fit. Chatterjee did not go to the Medical Officer with this letter and remained absent. On 24th February 1960 he wrote a letter stating that while he was on his way to see the Chief Medical Officer on 22nd February 1960, he felt uneasy and returned home and that he was running temperature from that time. He therefore requested for another ten days' leave with effect from 22nd February 1960. He also mentioned that the letters addressed to the Chief Medical Officer in form G and its enclosure (certificate to be signed by the Chief Medical Officer) which had been given to him on 22nd February 1960 were being returned by him separately. They were however not returned immediately but were returned with a letter of 12th March 1960. Along with this letter, he also submitted a medical certificate about his illness. On 6th April 1960, he wrote a letter stating that he had then become fit to resume his duties and that medical certificate and fit certificate were being posted separately. He further stated that in view of the reasons stated in his Union's letter dated 31st March 1963 addressed to the Regional Labour Commissioner, copies of which had been sent to the Chairman of the Port Commissioners and to the Security Officer's office, he would not be in a position to resume his duties until he heard further in the matter. In the meanwhile on 31st March 1960, the Union had written a letter to the Regional Labour Commissioner alleging that Chatterjee

was transferred from his post of Gate Supervisor because of his union activities. The Union also stated that there was no cogent reason for the transfer of Chatterjee from the gate to the office specially when no post of Supervisor or an equivalent post had been created in the Security Officer's Office. The Union further contended that the transfer was *ultra vires* and *mala fide* and requested the Regional Labour Commissioner to take immediate suitable action in the matter. It was lastly mentioned in this letter that unless the *status-quo* was restored it was not desirable that Chatterjee should report for his duty in the Security Officer's office and that when he was declared medically fit, he would not resume his duties until and unless the irregular action of the management was set right.

6. It is not clear as to what action was taken by the Regional Labour Commissioner on this letter but he must probably have called the management and the Union for personal discussion. Probably because of this the management took no further action till August or September 1960 when a chargesheet was served on Chatterjee calling upon him to state whether he desired to be heard in person; whether he desired an oral enquiry and to furnish names and addresses of witnesses whom he wanted to examine and also to furnish a list of documents on which he wanted to rely. The charge against him was that while functioning as Gate Supervisor he started absenting without authority from 27th January 1960 and had still been absenting without authority. Chatterjee sent a letter in reply to this memorandum of chargesheet on 22nd September 1960. He mentioned that he was not allowed to perform his duties as Gate Supervisor at workshop No. 8 for which post he had been exclusively engaged and that this was as result of the action of the Port Trust authorities. He further mentioned that from the charge he found that the management were agreeable to allow him to work as Gate Supervisor at the main gate of No. 8 workshop and therefore he stated that he was all along quite willing and he was even then willing to resume his duties at No. 8 workshop provided he was allowed to do so. He lastly stated that as he was indirectly asked to resume duties he did not think it necessary to furnish any comments or explanation on the other points raised in the chargesheet. On 3rd November 1960 the Security Officer wrote to him asking him to state in writing whether he had anything else to say in reply to the chargesheet other than what he had already stated in the letter of 22nd September 1960. In reply Chatterjee drew attention to his previous letter and said that a reply thereof was overdue from the Port Commissioners and that unless a proper clarification was given to him, it was not possible for him to understand the exact weight and burden of the charge. He further stated that there was no charge against him and his employers had taken a non-tenable attitude to victimise him as he happened to be an office-bearer of a registered Trade Union. On 10th November 1960 the Security Officer wrote to him stating that an enquiry would be held by him at his office in connection with the charge on 17th November 1960 and asked Chatterjee to appear at the said enquiry. On 17th November 1960 Chatterjee gave a reply stating that the Defence Counsel whom he had selected for conducting his defence in the enquiry was then on leave and asked for an extension of time. The matter was accordingly fixed on 2nd December 1960 and he was informed about it. On 2nd December 1960 Chatterjee addressed a letter to the Secretary of the Commissioners stating that he had been advised that the Security Officer was indirectly connected with the matter and as such he could not be the Enquiry Officer and that the enquiry could be held only by an impartial officer. He further stated that the clarification sought for by him had not been made available to him and consequently he could not submit his written statement. On 7th December 1960 the Security Officer again wrote to him after referring to his letter of 2nd December 1960 that the enquiry had been fixed on 14th December 1960. On that day he did not appear at the enquiry and the enquiry was held *ex-parte*. It appears that no witnesses were examined by the Enquiry Officer. He went through the relevant papers and found Chatterjee guilty of deliberately absenting himself from duty without authority.

7. It further appears that on 14th December 1960 (the day on which the Enquiry was held *ex-parte* and the day on which the Enquiry Officer submitted his report) Chatterjee wrote a letter to the Secretary of the Commissioners reiterating his previous contentions and raising a further contention that the enquiry was illegal in that it was being held while conciliation proceedings were pending before the Regional Labour Commissioner. On 11th January 1961 the Secretary of the Port Commissioners wrote a letter to the R.L.C. mentioning among other things that a charge had been drawn up against Chatterjee for his unauthorised absence with effect from 27th January 1960; that the enquiry had been completed in accordance with the established procedure; that although no formal conciliation proceedings had been drawn up, the Secretary would like to know whether they could proceed

to finalise action on the chargesheet. On 9th June 1961 the Regional Labour Commissioner wrote a letter to the Chief Labour Officer of the Port Commissioners referring to the letter of 11th January 1961 and stating that the Union was pressing for the finalisation of this case and mentioning that there should be no difficulty in the Commissioner's finalising action in the matter. A copy of the Union's letter dated 7th June 1961 addressed to the R.L.C. was enclosed with this. On 30th June 1961 the Security Officer wrote to Chatterjee asking him to show cause as to why he should not be removed from service. In reply Chatterjee wrote on 2nd August 1961 inviting attention of the Punishing authority through the Security Officer to certain rules and stating that in view of the position he could not accept the burden of receiving the letter. On 30th August 1961, the Security Officer addressed another letter to Chatterjee forwarding a copy of the proceedings of *ex-parte* enquiry along with findings thereof and asking him to show cause why he should not be removed from service. On 18th September 1961 Chatterjee replied to this that he had already replied to the earlier show cause notice and that the issue of the second notice in which there was no reference to the earlier notice raised serious doubt about the good faith and fair play and confirmed his apprehension that the illegal and *mala fide* proceedings were purely for victimising him. On 30th October 1961 the Security Officer wrote to him stating that he had been removed from service with effect from 13th October 1961 for unauthorised absence. On 13th November 1961 Chatterjee addressed a letter to the Chairman requesting him to revise the order to remove him from service. On 9th January 1961 he was informed that the Chairman had carefully considered the appeal but law no reason to revise the order already passed.

8 The law about the powers of a Tribunal when a workman has been dismissed as a result of departmental enquiry is now well settled. The Tribunal is not sitting in appeal against the findings of a domestic enquiry. It has no power to consider whether the evidence before the domestic enquiry was reliable or not nor can it consider whether it was sufficient or not. The Tribunal can and must interfere if the finding is perverse or not *bona fide* or principles of natural justice have not been followed or if it finds that the dismissal was vindictive or amounted to unfair labour practice. If, however, the finding of domestic enquiry is not accepted because of the enquiry being held not proper, it would be open to the employer to lead evidence before the Tribunal can go into the evidence before it and give appropriate findings. This position of law is now well settled and was not disputed before me.

9. It was contended on behalf of the Union that the enquiry in this case should not have been held by the Security Officer as he was personally interested in the case. I agree with the principle that rules of natural justice demand that the person holding an enquiry should not himself be personally interested in the case and that he should be a person with an open mind. I also agree that if a person is a relevant witness, he should not hold the enquiry. In the present case, however, there is nothing to justify the contention of the Union that the Security Officer was personally interested in the case. It is true that it was the Security Officer who had passed the oral order of transfer, transferring Shri Chatterjee from the gate of workshop No. 8 to his own office, but this does not make him interested in the charge of absentsing himself without authority. Actually, in the present case, as I mentioned above, there was no necessity of holding an enquiry because the charge was absence without leave and on the facts which are not in dispute, there is no doubt that Shri Chatterjee had remained absent from duty without leave. Further no oral evidence was recorded at the enquiry and the charge was held proved by the Enquiry Officer only by going through the papers. I therefore do not agree with the contention of the Union that the enquiry was vitiated because it was held by the Security Officer. As I said above, I do not think that the Security Officer was personally interested in the case.

10. Further, I think that it was not necessary to hold an enquiry in this matter, as the charge against Chatterjee was one of being absent without leave. There are two decisions of the Supreme Court supporting this view.

11. In the case of *Burn & Co. Ltd. and their employees* 1957 1 L.L.J. 296, a workman was arrested under West Bengal Security Act and detained in jail from 25th January 1949 to 5th April 1949. The company terminated his services on 22nd April 1949 on ground of continued absence. The Labour Appellate Tribunal ordered his reinstatement on the ground that he had been discharged without a charge and without holding any enquiry. The Supreme Court observed at page 234 of the above report, "we are unable to agree with this decision. The ground of discharge is the continued absence of the employee, and his inability to do work, and it is difficult to see what purpose would be served by a formal charge being delivered to him and what conceivable answer he could give thereto. The order of the Appellate Tribunal is manifestly erroneous and must be set aside."

12. The Supreme Court followed the same principle in a subsequent case (Indian Iron & Steel Co. Vs. their workmen. 1958 I L.L.J. 260.) In this case, the workmen were not in a position to come to their work because they had been arrested by the police. The Supreme Court observed that this may be unfortunate for them but it would be unjust to hold that in such circumstances the Company must always give leave when an application is made for it. It observed that the work of the company would be paralysed if the company is forced to give leave to such individual for a more or less indefinite period. The Supreme Court also observed that it is immaterial whether the charges on which the workmen were arrested by the police were ultimately proved or not in the court of law. The company must carry on its work and it would find it impossible to do so if a large number of workmen are absent. Whether in such circumstances, leave should be granted or not must be left to the discretion of the employer. "It may be readily accepted that if the workmen are arrested at the instance of the company for the purpose of victimisation and in order to get rid of them on the ostensible pretext of continued absence, the position would be different. It will then be a colourable or *mala fide* exercise of power....".

13. It was urged on behalf of the Union that the order of transfer of Chatterjee was illegal and unjustified and hence his dismissal for disobeying such order of transfer must be held unjustified. This principle however would not apply to the facts of the present case because Shri Chatterjee was dismissed not for disobeying the order transferring him from the gate of No. 8 Workshop to the office, but he was removed from service for continued absence without leave. Further, his transfer cannot be said to be illegal or unjustified. In any case therefore this contention of the Union cannot be accepted.

14. It was contended on behalf of the Union that Shri Chatterjee's transfer from the gate of No. 8 workshop to the office of the Security Officer was illegal. In this connection, it was argued firstly that there was no order in writing and the oral order was illegal and secondly that he could not be transferred to any other post excepting the post of gate supervisor because he was appointed to that post and to that post alone. I do not agree with either of these contentions.

15. In the first place there is no rule or law which requires that a transfer should necessarily be in writing. It would be perfectly proper for the authority under whom a person is working to transfer or shift him from one place to another. Shri Chatterjee was certainly working under the Security Officer and if the Security Officer asked him to work in his office instead of at gate of No. 8 workshop, it could not be said that he had no power to do so nor could it be said that the order should be in writing.

16. Transfer of a person from one place to another is certainly within the competence of the management and normally a Tribunal would not interfere in such a transfer. The matter would be different if the transfer is *mala fide* or if the transfer involves pecuniary loss to the person concerned.

17. It has been observed by the Supreme Court in the case of Canara Banking Corporation Ltd. and U. Vittal, reported in Volume 7 of Indian Factories & Labour Reports, page 184, that the management is in the best position to judge how to distribute its man power and whether a transfer can be avoided or not. It has also observed that it is not possible for Industrial Tribunals to have before them all the materials which are relevant for this purpose and even if they could be made available, the Tribunals are by no means suited for making decisions in matters of this nature. That is why it would ordinarily be proper for industrial adjudication to accept as correct any submission by the management that an impugned transfer has been made only because it was found unavoidable. The one exception to this statement is whether there is reason to believe that the management resorted to the transfer *mala fide* by way of victimisation, unfair labour practice or some other ulterior motives not connected with the business interest.

18. In the case of Bareilly Electricity Supply Co. Ltd. Vs. Sirajuddin, reported in Volume XIX of the Factories Journal Report at page 235, the Supreme Court has held that it is difficult to understand why a verbal order (or transfer) should be held to be necessarily invalid. It has been observed that transferring a worker from one department to another is a matter of internal arrangement and Industrial Tribunals should be very careful before they interfere with the orders made in the discharge of the management's function in that behalf. It may also be noted that the Tribunal had found the order to be *mala fide* only on the basis that no specific reasons had been given for the transfer and the Supreme Court held that the argument that no reason was given though there was a hue and

cry against it, seemed to be wholly beside the point. It then observed, "it is hardly necessary to emphasise that the findings of *malafides* can be made by Industrial Tribunals only after sufficient reliable evidence is led in support of it. Such a finding should not be made light-heartedly or in a casual manner..."

19. In the present case it does appear that Shri Chatterjee was an active member of the Union. There is however no evidence to show that he was transferred because of his Union activities; on the other hand, there is sufficient material on record to show that his work at the post where he was working was found to be unsatisfactory; that he was habitually late and absent and had to be warned on several occasions. If in the circumstances, the Security Officer thought it fit to ask him to work in his office, it could not be said that the order was *malafide* or that it was because of Chatterjee's union activities. It is also not shown that this transfer in any way involved any pecuniary loss to Shri Chatterjee.

20. It has been alleged in the written statement that Shri Chatterjee was transferred from the gate, so that the Officers of the Chief Mechanical Engineer's Department could take away materials belonging to the Commissioners for their personal use. There is no evidence in support of this allegation, which must therefore be held not proved.

21. It was then said that there is no post of a supervisor in the office but I do not think it was any concern of Shri Chatterjee. The Security Officer had every right to ask a person working under him to work at a particular place and if he felt that Shri Chatterjee should work in the office for the time being, it could not be said that it was illegal or wrong.

22. It was contended that Shri Chatterjee was appointed to the post of gate supervisor at the gate of No. 8 workshop and he could not be transferred to any other post. It appears that originally there was a gate clerk at the main gate of No. 8 workshop. It was found that the check exercised by him was insufficient. As a result, the Chief Mechanical Engineer requested sanction to the creation of a post of gate supervisor which post was sanctioned by the Commissioners by a resolution passed on 10th May 1964. It further appears that on 30th October 1954 Shri Chatterjee was selected for the post of gate supervisor and was directed to report for duty to the Liaison Officer. After being trained, he was posted at Gate Supervisor at the gate of No. 8 workshop. It is thus true that he was appointed as gate supervisor, but it cannot be said that was appointed gate supervisor at the main gate of No. 8 workshop (and he could not be posted at any other gate). Further, even though he might have been appointed as a gate supervisor, there was nothing wrong or illegal in his being asked to work in the office so long as it did not affect his emoluments. I do not therefore think that his being asked to work in the office amounted to an illegal transfer.

23. It was then contended that the Port Commissioners have no Standing Orders and hence there was nothing to show that absence without leave amounted to misconduct for which a workman could be dismissed. It is unfortunately true that so far the Commissioners have no certified Standing Orders. It appears that on coming into force of the Industrial Employment Standing Orders Act 1946, the Government of India exempted the Calcutta Port authorities from adopting the Standing Orders. The Commissioners however, at their meeting held on 21st January 1957, framed, subject to the sanction of Government, a set of rules entitled, 'Commissioners Service (Disciplinary and Punishment) Rules, 1957'. The Government of India suggested a number of modifications to these rules. The rules were accordingly revised and sent them for Government sanction in 1959. Somewhere in February or March 1963, the Government returned them to the Commissioners suggesting further modifications. The rules have thus not yet been finalised.

24. This does not mean that there can be no misconduct warranting dismissal. Apart from the fact that on broad principles, continuous absence without leave would amount to misconduct, for which a workman can be dismissed, we have the further fact that the Commissioners for the Port of Calcutta had some Standing Orders, copies of which have been produced before me. They show that unauthorised absence is included in "misconduct". I may mention here that the Union itself produced before me a Printed Pamphlet issued by the Calcutta Port Commissioners and relied on it to show that it did not define the above acts as misconduct. This pamphlet is however headed "नौकरी और शर्त" (Further conditions of service). The word "और" (further) clearly indicates that the conditions

stated in this pamphlet are in addition to the existing conditions. The Pamphlet mentions that these conditions were approved by the Commissioners in a resolution passed on 22nd June 1959 and were approved of by the Government in a letter of 14th July 1959. This would show that pending finalisation of the

rules, the existing Standing Orders are continuing in force; and according to them, Chatterjee's conduct complained of amounted to misconduct for which he could be dismissed.

25. It was then contended that the notice to show cause against the proposed punishment was illegal as it was not issued by the dismissing authority. Under Section 32 of the Calcutta Port Act, the Chairman and the Deputy Chairman have the power to dismiss an employee whose monthly salary exclusive of allowances is less than 1000/-. Under sub-section (2), the Chairman can delegate to the Head of any department for the time being all or any of the powers under the first sub-section in respect of employees of that department whose monthly maximum salary exclusive of allowances does not exceed Rs. 350/-. It appears that the Chairman of the Calcutta Port Trust had in 1951 and 1953 delegated to the Heads of departments for the time being several powers but all these delegated powers were withdrawn in 1956. The position therefore at the time of the present incident was that only the Chairman and the Deputy Chairman had the power to terminate his services.

26. It is not in dispute that the order of removal from service was passed by the Chairman or the Deputy Chairman in the present case but what was urged was that the order was illegal because notice against the proposed punishment was not issued by the Chairman or Deputy Chairman but was issued by the Security Officer who had no power of removal from service. It was contended that under article 311 of the Constitution of India, a person could not be removed from service until he was given a reasonable opportunity of showing cause against the action proposed to be taken against him. It was urged that it was only the authority who had the power to remove a person from service that had to make up tentatively his mind about the punishment. If a subordinate authority did so, it could not be said to be in compliance with the provisions of law. It was urged that in the present case the proposed punishment was a decision of a subordinate authority and not of the Chairman or the Deputy Chairman and so the notice was illegal.

27. Various cases were cited before me to show that an opportunity to make representation as to why the proposed punishment should not be inflicted on him has to be given to a person; and this he can only do if the competent authority after the enquiry is over and after applying his mind to the gravity or otherwise of the charge proved against the Government servant tentatively proposes to inflict one of the three punishments and communicates the same to the Government servant. This would mean that the authority having power to dismiss a person should apply his mind to the gravity or otherwise of the charges proved against the Government servant and then tentatively propose to inflict one of the punishments and give an opportunity to the person concerned to make a representation against the proposed punishment. The power cannot be delegated. It has also been held that it would make no difference that the file was subsequently sent to the authority who could pass order of dismissal because it may be that if the punishing authority had seen the file at earlier stage, they may not have necessarily accepted the finding to the effect that the charges were proved and also it is not unlikely that they may not have agreed with his recommendation that the tentative punishment proposed should be one of dismissal and may even have decided that a lesser punishment would suffice. At the later stage the punishing authority may feel that it was too late to reverse the decision and may be constrained to approve of the proposed action. All the cases cited were regarding action against public servants, where Article 311 of the Constitution of India was applicable.

28. In my opinion, the employees of the Calcutta Port Commissioners are not governed by the provisions of Article 311 of the Constitution of India. They are not members of a civil service of the Union or of an all India service or a civil service of a State, nor do they hold civil posts under the Union or a State. Article 311 therefore would not be applicable to them and it would not be necessary to issue a notice to them about the proposed punishment.

29. I may here refer to the case of Imperial Tobacco Co. of India Vs. its workmen, 1961 II L.L.J. 414. In that case the relevant Standing Orders of the establishment laid down an elaborate procedure for enquiries into charges of misconduct. Those rules specifically provided that the enquiry officer should appraise the evidence and record his conclusion as to what misconduct had been proved and also to decide what punishment he intended to inflict. Thereafter he had to ask the employee what he had to say against the intended punishment and it was only after taking an explanation of the employee as to the intended

punishment that he could pass an order punishing him. Because of these provisions in the Standing Orders, the Supreme Court held in that case that even if the employee withdrew from the enquiry, it did not absolve the enquiry officer from following the above procedure. This decision by necessary implication means that in the case of employees other than public servants to whom Article 311 of the Constitution of India applies, it is not obligatory then a notice must be issued to the employee about the proposed punishment unless the Standing Orders specifically provide for the same. If there was no such provision, the employee is not entitled to a notice of this type and what is necessary in such a case is that the principles of natural justice should be followed. These principles require that the person concerned must be given a reasonable opportunity of defending himself by cross examining the witnesses examined against him and by being allowed to produce evidence in his own defence. If after all this is done, the enquiry officer makes a report holding him guilty, it is not obligatory on the employer or the dismissing authority to issue any other notice to him about the intended punishment. That being so, in the present case, the fact that the notice was issued by a subordinate authority and not by the authority which had power to dismiss Chatterjee would not affect the ultimate order passed in the case.

30. It was argued that there was no provision for an appeal and therefore the order of dismissal should be held to be illegal. It is true that it would be desirable to make provision for allowing an appeal to be preferred against an order of dismissal; but merely because there is no provision for appeal, it would not be said that an order would be illegal. Under the Calcutta Port Act, the Chairman and the Deputy Chairman have power to dismiss an employee whose maximum salary is Rs. 1000/- while in other cases the power rests with the Commissioners. If the power is delegated, provision could be made for appeal; but in any case, in the case of a employee whose maximum exceeds Rs. 1000/-, the Commissioners alone have the power to dismiss him. There cannot be any higher authority than the Commissioners and such an employee would in any case therefore have no right of appeal. That however would not mean that if in a proper case such an employee were dismissed, the dismissal should be held to be illegal.

31. In the course of arguments before me a grievance was made that the chargesheet was served on Chatterjee rather late and also that the management took quite a long time before passing final orders in the case. This appears to be true, but I do not think that management should be blamed for it. As I mentioned above, Chatterjee, on being told on 25th January 1960 that he should work in the Security Officer's office from 27th January 1960 (26th January 1960 being a holiday), absented himself from 27th January 1960 and sent a medical certificate after some days. When he sought to resume his duties with a medical certificate about his fitness, he was asked to go to the Chief Medical Officer of the Port Commissioners and obtain a fitness certificate from him. Strangely enough while he is said to have been going to the Chief Medical Officer for this purpose, he again fell ill and went home and asked for extension of leave. On 6th April 1960 he informed the Security Officer that he was fit to resume his duties. Before this, however, his Union had written a letter to the Regional Labour Commissioner on 31st March 1960 (with copies to the Chairman of the Port Commissioners and the Security Office). In this letter the Union had not only raised a plea that the transfer of Chatterjee was *ultra vires*, *malafide* and an attempt to victimise him, but it had further stated that unless Chatterjee was allowed to work as Gate Supervisor at the main gate of No. 8 workshop, it would not be desirable that he should report for duty in the Security Officer's office and that he would not resume his duties until and unless this was done. In the letter of 6th April 1960 written by Chatterjee to the Security Officer reporting that he was fit, he referred to this letter of his Union and stated that in view of the reasons stated in that letter he would not be in a position to resume his duties until he heard further in the matter.

32. I am mentioning this also to show that the allegations made on behalf of Chatterjee that he was going every day and reporting for duty is not borne out by these letters, where it was categorically stated that he would not resume his duties unless and until *status quo* was maintained and the order of transfer was set aside; that is, unless he was posted as gate supervisor at the main gate of No. 8 workshop, he was not prepared to resume his duties. It cannot therefore be believed that he was going every day and reporting himself for duty.

33. The record does not show as to what happened to the letter addressed by the Union to the Regional Labour Commissioner. Presumably the Regional

Labour Commissioner may have called the parties to see if some settlement would be arrived at but we have no definite evidence about this. I however feel that probably because of this letter which the Union had written to the Regional Labour Commissioner on 31st March 1960, the Port authorities must have thought it not fit to take immediate action against Chatterjee for his being absent without leave. Actually it appears that though the memorandum of chargesheet was signed on 8th or 9th of August, it was issued only on the 8th of September and was received by Chatterjee on 15th of September. When issuing the chargesheet Chatterjee was asked to reply to it and also to state whether he wanted an oral enquiry to be held etc. Then some correspondence passed between him and the Port authorities because he raised several pleas from time to time. As a result of this correspondence, the enquiry could not be held immediately. Ultimately, it was fixed to be held on 14th December 1960 on which day he did not attend and the enquiry officer held it *ex-parte* and made a report. On 11th January 1961 the Secretary of the Port Commissioners wrote to the Regional Labour Commissioner mentioning *inter alia* that a chargesheet had been drawn up against Chatterjee and an enquiry in the matter had been completed. The Secretary further enquired from the Regional Labour Commissioner whether they should proceed to finalise action on the chargesheet and the enquiry was made, because though no formal conciliation proceedings were drawn up, the matter had been referred to the Regional Labour Commissioner by the Union. Unfortunately, the Port authorities got no reply to this letter till 9th June 1961 when the Regional Labour Commissioner requested the Port Commissioners to finalise their action in the matter. Immediately after this, the Port authorities started taking further action in the matter by issuing a notice to Chatterjee on 13th June 1961 asking him to show cause as to why he should not be removed from the Commissioner's office. Further correspondence followed and ultimately by a letter dated 30th October 1961 Chatterjee was informed that he had been removed from the Commissioner's service with effect from 13th October 1961. It would thus appear that the Port authorities cannot be blamed for the delay in the matter.

34. The result is that none of the contentions of the Union can be accepted. I therefore hold that the removal of Chatterjee from service is proper and justified and he is not entitled to any relief. Parties will bear their own costs.

I pass my award accordingly.

Dated, the 31st December, 1963.

(Sd.) L. P. DAVE, Presiding Officer.

[No. 28/22/62/LR.IV.]

New Delhi, the 17th January 1964

S.O. 309.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 26th day of January, 1964, as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force), and Chapters V and VI (except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in Nagapattinam and Vellore-Katpadi in the State of Madras, namely:—

1. The area within the limits of the Nagapattinam revenue village in Nagapattinam taluk, in Thanjavur District.

2. The area within the limits of the revenue villages of:

North Vellore;
South Vellore;
Allapuram;
Thorapadi and
Shenpakkam

in Vellore Taluk and the areas within the limits of the revenue villages of;

Darapadavedu;
Kalinjur;
Kangayanallore; and
Virudampet

in Gudiyatham Taluk of North Arcot District.

[No. F. 13(1)/64-H.I.]

New Delhi, the 20th January 1964

S.O. 310.—In exercise of the powers conferred by section 88 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts for the period upto and including the 14th January, 1965 the following Central Government employees, now on deputation with Messrs. Hindustan Housing Factory Limited, New Delhi, from the operation of the said Act, namely:—

Sl. No.	Name of employee	Designation
1.	Shri U. C. Mittal	Stenographer
2.	Shri Jyoti Prasad	Despatch Supervisor
3.	Shri N. Navani	Stenographer
4.	Shri K. G. Mendiratta	Stenographer
5.	Shri Shridhar Singh	Record Keeper.

2. The above exemption is subject to the following conditions:—

- (i) the aforesaid factory shall maintain a register showing the names and designations of the exempted employees; and
- (ii) that notwithstanding this exemption, the exempted employees shall continue to receive such benefits under the said Act to which they might have qualified on the basis of contributions paid before the date of exemption.

[No. F. 6(139)/63-HI.]

S.O. 311.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts, having regard to the location of the factory in an implemented area, the Municipal Mechanical and Transport Workshop, Agra from the payment of the employers' special contribution leviable under Chapter VA of the said Act for a period of one year with effect from the 1st March, 1964.

[No. F. 6(2)/64-HI.]

S.O. 312.—In exercise of the powers conferred by Section 87 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the 132 KV Grid Sub-station of the Damodar Valley Corporation at Patna (Jakkampur), from all the provisions of the said Act, except Chapter VA, for a further period upto and including the 10th November, 1964.

[No. F. 6(125)/63-HI.]

ORDERS

New Delhi, the 15th January 1964

S.O. 313.—Whereas the industrial dispute specified in the Schedule annexed hereto is pending before the Industrial Tribunal, Delhi constituted by the notification of the Government of India in the Ministry of Labour and Employment No. S.R.O. 2389, dated the 10th July, 1957;

And whereas a number of other disputes are also pending before the said Tribunal;

And whereas for the ends of justice the said dispute should be disposed of without further delay;

Now, therefore, in exercise of the powers conferred by section 7A and sub-section (1) of section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri J. K. Tandon as the Presiding Officer, with headquarters at Lucknow, withdraws the proceedings in relation to the said dispute from the Industrial Tribunal, Delhi, and transfers the same to the Industrial Tribunal constituted with Shri J. K. Tandon as the Presiding Officer thereof and directs that the said Tribunal shall

proceed with the said proceedings from the stage at which it is transferred and dispose of the same according to law.

SCHEDULE

Sl. No.	Parties to the dispute	No. of Reference	Date of Reference
1.	Sterling General Insurance Company Limited, New Delhi and its workmen.	S.O. 3324	24-10-1962

[No. 74(5)/62-LRIV.]

New Delhi, the 16th January 1964

S.O. 314.—Whereas the employers in relation to the Bombay Port Trust, Bombay, and the Bombay Port Trust Employees' Union have jointly applied to the Central Government for reference of an industrial dispute between them to a Tribunal in respect of the matter set forth in the said application and reproduced in the Schedule hereto annexed;

And, whereas, the Central Government is satisfied that the said Bombay Port Trust Employees' Union represents a majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay constituted under section 7A of the said Act.

SCHEDULE

Whereas an industrial dispute exists between the Bombay Port Trust and its workmen represented by the Bombay Port Trust Employees' Union and it is expedient that the dispute specified in the enclosed statement should be referred for adjudication by a Tribunal an application is hereby made under Section 10(2) of the Industrial Disputes Act, 1947, that the said dispute should be referred to a Tribunal.

A statement giving the particulars required under rule 3 of the Industrial Disputes (Central) Rules, 1957, is attached.

Dated the 20th November 1963.

Signature of
(Sd.) Illegible,
Principal Officer
of the Corporation,
Secretary, Bombay Port Trust.

Signature of
(Sd.) Illegible,
Vice-President of the
Trade Union,
(Sd.) Illegible,
General Secretary of the
Trade Union.

Statement required under rule 3 of the Industrial Disputes (Central) Rules, 1957, to accompany the form of applications prescribed under Sub-section (2) of Section 10 of the Industrial Disputes Act, 1947:—

(a) Parties to the dispute including the name and address of the establishment or undertaking involved.

(1) The Trustees of the Port of Bombay Port Trust Administrative Offices, Ballard Road, Bombay-1.

(2) The B. P. T. Employees' Union, Port Trust Kamgar Sadan, Nawab Tank Road, Mazagon, Bombay-10.

(b) Specific matters in dispute.

"Whether Shri M. G. Gujar, 'A' Scale Clerk, is entitled to claim appointment to the post of Inspector, 2nd Grade, in relaxation of the qualifications laid down for the post? If so, from what date should the appointment become effective?"

(c) Total number of workmen employed in the undertaking affected.
About 25,000.

(d) Estimated number of workmen affected or likely to be affected by the dispute.

About 20.

(e) Efforts made by the parties themselves to adjust the dispute.

The parties have held discussions but have been unable to reach a settlement; they, however, agreed to refer the matter to adjudication.

(Sd.) Illegible,
Principal Officer of the Corporation
Secretary, Bombay Port Trust.

(Sd.) Illegible,
Vice-President of the
Trade Union.
(Sd.) Illegible,
General Secretary of the
Trade Union.

[No. 28/112/63/LR.IV.]

S.O. 315.—Whereas the employers in relation to the Bombay Port Trust Bombay, and the Bombay Port Trust Employees' Union have jointly applied to the Central Government for reference of an industrial dispute between them to a Tribunal in respect of the matter set forth in the said application and reproduced in the Schedule hereto annexed;

And, whereas, the Central Government is satisfied that the said Bombay Port Trust Employees' Union represents a majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay constituted under section 7A of the said Act.

SCHEDULE

Whereas an industrial dispute exists between the Bombay Port Trust and its workmen represented by the Bombay Port Trust Employees' Union and it is expedient that the dispute specified in the enclosed statement should be referred for adjudication by a Tribunal an application is hereby made under Section 10(2) of the Industrial Disputes Act, 1947, that the said dispute should be referred to a Tribunal.

A statement giving the particulars required under rule 3 of the Industrial Disputes (Central) Rules, 1957, is attached.

Dated the 5th December 1963.

Signature of
(Sd.) Illegible,
Principal Officer
of the Corporation.
Secretary, Bombay Port Trust.

Signature of
(Sd.) Illegible,
Vice-President of the
Trade Union.
(Sd.) Illegible,
General Secretary of the
Trade Union.

Statement required under rule 3 of the Industrial Disputes (Central) Rules, 1957, to accompany the form of application prescribed under Sub-section (2) of Section 10 of the Industrial Disputes Act, 1947:—

(a) Parties to the dispute including the name and address of the establishment or undertaking involved.

(1) The Trustees of the Port of Bombay Port Trust Administrative Offices, Ballard Road, Bombay-1.

(2) The B. P. T. Employees' Union, Port Trust Kamgar Sadan, Nawab Tank Road, Mazagon, Bombay-10.

(b) Specific matters in dispute.

* Whether 'A' Scale Clerks attending to the issue of materials in the Stores Department should be given any extra payment? If so, what should

be the quantum of payment and from what date should the payment be made?"

- (c) Total number of workmen employed in the undertaking affected.
About 25,000.
- (d) Estimated number of workmen affected or likely to be affected by the dispute.
About 15.
- (e) Efforts made by the parties themselves to adjust the dispute.

The parties have held discussions but have been unable to reach a settlement; they, however, agreed to refer the matter to adjudication.

(Sd.) Illegible,

Principal Officer of the Corporation
Secretary, Bombay Port Trust.

(Sd.) Illegible,

Vice-President of the
Trade Union.

(Sd.) Illegible,
General Secretary of the
Trade Union.

[No. 28/116/63/LR.IV.]

O. P. TALWAR, Under Secy.

New Delhi, the 15th January 1964

S O. 316.—The following proposals made by the Central Government in exercise of the powers conferred by clause (a) of sub-section (1) of section 3, read with clause (iii) of sub-section (1) of section 4 of the Minimum Wages Act, 1948 (11 of 1948), for fixing the minimum rates of wage payable to certain categories of employees employed on a contract basis on the construction or maintenance of roads or in building operations and in stone breaking or stone crushing undertaken by the Indian Institute of Technology, Hijli, Kharagpur, specified in the Schedule hereto annexed, are published as required by clause (b) of sub-section (1) of section 5 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said proposals will be taken into consideration on or after the 29th day of March, 1964.

Any objections or suggestions which may be received from any person with respect to the said proposals before the date specified will be considered by the Central Government.

SCHEDULE

Categories of employees employed on a contract basis	All inclusive minimum rates of wages per day	
1. Skilled	..	Rs. 4.50
2. Semi-skilled	..	Rs. 3.37
3. Unskilled	..	Rs. 2.25.

Note.—The rates of wages indicated above shall be exclusive of the wage due for the weekly day of rest.

[No. LWI(I)3(14)/63.]

K. K. UPPAL, Under Secy.

New Delhi, the 17th January 1964

S.O. 317/PWA/Sec.7(2)(j)/64.—In pursuance of clause (j) of sub-section (2) of section 7, read with section 24 of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby approves, in respect of persons employed on railways,

mines and oilfields, all such cooperative societies including consumer cooperative societies and stores, as are, or may in future be, registered and conform to the requirements of the Cooperative Societies Act of the State Government under which they are registered. The Central Government further imposes the following conditions under section 13 of the said Act in respect of deductions on account of dues of such societies and stores from the wages of persons who are members of the societies and stores, *viz*:—

- (i) that the deductions in the aggregate, inclusive of all other deductions made under section 7 of the Act do not exceed 75% of the wages of an employed person in a wage period; and
- (ii) that no amendments are made to the bye-laws of the society/store without the prior approval of the Central Government if they impinge on the provisions of the Payment of Wages Act, 1936.

[No. 540/129/63-Fac.]

VIDYA PRAKASH, Dy. Secy.

New Delhi, the 18th January 1964

S.O. 318.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Pure Laikdih Colliery, P.O. Nirsachatti, District Dhanbad and their workmen, which was received by the Central Government on the 13th January, 1964.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of Reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 (XIV of 1947).

REFERENCE No. 80 OF 1963

PARTIES :

Employers in relation to the Pure Laikdih Colliery, Post Office Nirsachatti, District Dhanbad.

AND

Their workmen.

PRESENT :

Shri Raj Kishore Prasad, M.A., B.L., Presiding Officer.

APPEARANCES: None.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 3rd January, 1964.

AWARD

Ministry of Labour and Employment, Government of India, by its Order No. 2/34/63-LR.II dated the 1st October, 1963, referred to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 an Industrial Dispute existing between the employers in relation to the Pure Laikdih Colliery and their workmen in respect of the matter specified below :

"Whether the management were justified in terminating the employment of Sarvashri Pran Kista Majni, Sawpan Sen Gupta, Pasupati Mondul, Sadar Mahate, Surendra Karmakar, Sudhir Ghati, Gogul Singh, all bailing mazdoors with effect from 25th March, 1963. If not, to what relief are they entitled?"

2. The workmen through their Union, Nirsha Thana Coalfield and Workshop Workers' Union, filed a written statement on 10th November, 1963. But the employers have not yet filed their written statement.

3. Meanwhile, on 2nd January, 1964 a joint petition of compromise signed by the representatives of the employers and the workmen concerned, was filed praying that an award in terms of the compromise be made.

4. In the compromise it is mentioned that the dispute, referred for adjudication to this Tribunal, had been settled amicably according to which settlement the workmen concerned, whose dispute has been referred, had already been paid retrenchment compensation, and, therefore, no dispute now exists between the parties.

5. I have considered the aforesaid terms of the compromise and am satisfied that they are quite fair and reasonable and, in the interest of both parties, and, therefore, I accept the same.

6. The reference is, therefore, decided by making an award in terms of the petition of compromise dated the 2nd January 1964 which is marked Annexure 'A' and made a part of this Award.

7. This is the award which I make and submit to the Government of India, under Section 15 of the Act.

Dhanbad, dated the 3rd January, 1964.

Sd./- RAJ KISHORE PRASAD,

Presiding Officer,

Central Government Industrial Tribunal,

Dhanbad.

ANNEXURE "A"

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE NO. 80 OF 1963

PARTIES :

Employers in relation to Pure Laikdih Colliery.

Versus

Their workmen, represented by the Nirsha Thana Coal field W/S. Workers' Union.

The parties above-named most respectfully beg to state as follows:—

1. The dispute which has been referred to this Hon'ble Tribunal for adjudication has been settled amicably on the following terms and conditions:—

(a) The workmen whose dispute been referred have already been paid retrenchment compensation and now no dispute exists between the parties.

It is humbly prayed that this Hon'ble Tribunal may be graciously pleased to pass the Award on the aforesaid terms and condition.

And for this the parties shall ever pray.

Representing Employer.

(Sd.) Illegible

2-1-64.

Group Personnel Officer,
Pure Laikdih Colliery.

Representing workmen.

(Sd) Illegible,

2-1-64.

General Secy.
Nirsha Thana Coal-field workshop
Workers, Union.

[No. 2/34/63-LRIL]

S.O. 319.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Rawanwara Khas Colliery of Messrs Rawanwara Collieries Limited, Post Office Parasia and their workmen, which was received by the Central Government on the 16th January, 1964.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY

REFERENCE NO. CGIT 36 OF 1963

PARTIES :

Employers in relation to the Rawanwara Khas Colliery of Messrs.
Rawanwara Collieries, Ltd.

AND

Their Workmen.

PRESENT:

Sbri Salim M. Merchant, Presiding Officer.

For the Employers:

1. Shri B. Narayanaswamy, Advocate.
2. Shri R. L. Khullar, Manager, Rawanwara Khas Colliery.

For the Workmen:

1. Shri B. P. Sharma, Vice President.
2. Shri R. P. Vishwakarma, Secretary, M.P. Rashtriya Kayala Khadan Mazdoor Sangh, Chandametta, P.O. Parasia, Madhya Pradesh.

Bombay, the 13th January 1964

INDUSTRY: Coal Mining.

STATE: Madhya Pradesh.

AWARD

The Central Government by the Ministry of Labour and Employment, Order No. 5/38/63-LR.II, dated 9th September 1963, made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), was pleased to refer the industrial dispute between the parties above-named in respect of the subject matters specified in the following schedule under the said order.

SCHEDULE

Whether the management of the Rawanwara Khas Colliery was justified in retrenching the following 20 coal cutters with effect from the 11th July, 1963. If not, to what relief are they entitled:—

1. Shri Ramsureth s/o Nankoo.
2. Shri Kedarnath s/o Rambharos.
3. Shri Motilal s/o Parson.
4. Shri Jamruddin s/o Ajimuddin.
5. Shri Shesbhajan s/o Asaram.
6. Shri Munnalal s/o Sheomangal.
7. Shri Mohan s/o Adhir.
8. Shri Chandrapal Singh s/o Devisingh.
9. Shri Shreeram Singh s/o Ajodhya Singh.
10. Shri Mersingh s/o Ramlal.
11. Shri Lalloo s/o Groarl.
12. Shri Ram Narayansingh s/o Pachhoosingh.
13. Shri Sheomangal s/o Adhir.
14. Shri Sheoprashad s/o Devisingh.
15. Shri Ramkumare s/o Arjun.
16. Shri Ghaseet s/o Sadal.
17. Shri Peerkhan s/o Lalkhan.
18. Shri Vithoba s/o Jajaba.
19. Shri Surajpal s/o Sheogovind.
20. Shri Sumersingh s/o Punoo.

2. After the parties had filed their written statements, the dispute was fixed for hearing at Bombay on 10th January 1964, when after some discussion, the parties filed an application recording the terms of settlement reached between them in this dispute and have prayed that an Award be made in terms thereof. A copy of the parties' said application, dated 10th January 1964 recording the terms of settlement reached between them is annexed hereto and marked as "Annexure A". As I am satisfied, that the terms of settlement are, in the facts and circumstances of this case, fair and reasonable, I accept the same and make an Award in terms thereof as prayed for by the parties.

No order as to costs.

(Sd.) SALIM M. MERCHANT,
Presiding Officer.

ANNEXURE 'A'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

REFERENCE No. CGIT-36 OF 1963

PARTIES:

Employers in relation to the Rawanwara Khas Colliery of Messrs. Rawanwara Collieries, Ltd.

AND

Their Workmen

May it please this Hon'ble Tribunal:

The parties concerned in the above dispute beg to state that they have arrived at the following settlement in the dispute.

Terms of Settlement

The management agrees to give the 20 retrenched workmen work with effect from 15th January 1964 and to pay each of them consolidated wage inclusive of basic wage, underground allowance, dearness allowance, variable dearness allowance, interim increase and special allowance, but exclusive of quarterly bonus, of Rs. 5.90 nP. per day on the following terms and conditions:

1. The retrenched workmen will get the benefit of continuity of service and the period of retrenchment from 11th July, 1963 to 14th January 1964 will be treated as period of special leave without pay.

2. The management will give the work of Dressers-cum-Drillers on and from 15th January 1964, to the senior-most eleven of these 20 retrenched workmen and give each of the remaining nine retrenched workmen such alternative work from 15th January 1964, as may be mutually agreed upon between the management and the Union, it being agreed that each of these 9 workmen will also be absorbed at the latest by 15th March, 1964, as Dressers-cum-Drillers provided, however, that even during this period of two months each of these 9 workmen will also get the consolidated wage of Rs. 5.20 nP per day.

The parties pray that an Award be made in terms of this settlement.

For the Management

1. SJ/-

(B. NARAYANASWAMY)
Advocate

2. Sd/-

(R. L. KHULLAR),

Manager, Rawanwar Khas Colliery.
Dated, 10.1.1964.

For the Workmen.

1. Sd/-

(B. P. SHARMA),
Vice President, M. P. Rashtrya
Koyala Khadan Mazdoor Sangh,
Chandamette.

2. Sd/-

(R. P. VISHWAKARMA),

Secretary, M.P. Rashtrya Koyala
Khadan Mazdoor Sangh, Chandamette.

Before me
(Sd/-) SALIM M. MERCHANT,
Presiding Officer.

[No. 5/38/63-LR.II.]

S.O. 320.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Diamond Tetturiya Colliery, Post Office Katrasgarh, Dhanbad and their workmen, which was received by the Central Government on the 15th January, 1964.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

In the matter of a reference under Section 10(1) (d) of the Industrial Disputes Act, 1947.

REFERENCE No. 34 of 1962.

PARTIES:

Employers in relation to the Diamond Tetturiya Colliery, P. O. Katrasgarh, Dhanbad.

AND

Their workmen.

PRESENT:

Shri Raj Kishore Prasad, M.A., B.L., Presiding Officer.

APPEARANCES:

For the Employers: No appearance.

For the Workmen: Shri Hit Narayan Singh, Vice-President, Koyla Mazdoor Panchayat.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 30th December 1963.

AWARD

Ministry of Labour & Employment, Government of India, by its Order No. 2/89/62-LR.II dated 28th September, 1962, referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to diamond Tetturiya Colliery and their workmen in respect of the matter specified below:

SCHEDULE

"Whether the management of Diamond Tetturiya Colliery, Katrasgarh, were justified in terminating the services of Shri Jamiruddin Mia, Haulage Mazdoor, with effect from the 6th July, 1962? If not, to what relief is he entitled?"

2. On behalf of the workman concerned the Koyla Mazdoor Panchayat filed a written statement on 23rd February, 1963. The company, however, did not submit its written statement. On 6th June, 1963 the company was asked, on its petition for adjournment to submit its written statement, if any, by 14th August, 1963.

3. On the petition filed by the management on 25th July, 1963 the case originally fixed on 14th August, 1963 was adjourned *sine die*. Subsequently, the case was fixed for hearing on 7th October, 1963.

4. Meanwhile, on 16th September, 1963, on a petition of the company dated 18th September, 1963 for one month's further time for submission of written statement, time was allowed till 7th October, 1963.

5. On 7th October, 1963 Shri Mohan Lal Mehta, appeared on behalf of the management, and again applied for time to file written statement and as a special case one month's further time was allowed and the case was fixed for peremptory hearing on 30th December, 1963 on payment of Rs. 32/- as cost to the workmen.

6. The cost, however, was not paid and even today on 30th December, 1963 no one entered appearance on behalf of the management.

7. Today on 30th December, 1963 Shri Hit Narayan Singh, Vice-President of the Koyla Mazdoor Panchayat, appeared for the workman concerned but no one appeared for the management although I waited for about 2½ hours for the management. In these circumstances, the case was taken up for *ex-parte* hearing in the absence of the management.

8. The Union examined the workman concerned, Shri Jamiruddin Mia, as W.W. 1 and filed documents, which were marked as Exhibits W. to W. 2 and arguments were heard.

9. The case of the workman is that although he was charge sheeted no enquiry was made into the charge sheet and without any enquiry being made, his services

were terminated by a letter dated 6th July, 1963 Exhibit W, and, therefore, termination of his service was illegal and should be set aside.

10. It appears from the evidence of the workman concerned W.W. 1 that he was working in the Colliery for the last four years but fell ill in the month of May, 1962 and remained ill for about 15 days. The workman, therefore, applied for leave and was granted leave by the company and the workman returned from his sickness and brought a medical certificate and gave it to the Manager of the Colliery who said to the workman W.W. 1, that he had granted the leave asked for, when he came back from leave he was asked by the Manager to come next day and when the workman went the next day no order was passed for his rejoining. The workman continued to go daily for 15 days and after 15 days he was given a charge sheet for wilful absence from duty. The workman gave a reply to the charge sheet and denied the allegations of the management but no enquiry was held. After the workman submitted his reply to the charge sheet he was dismissed.

11. The matter thereafter was referred to the conciliation Officer who asked manager of the Colliery by a letter dated 24th December, 1962 Exhibit W. 1 to attend the meeting personally or through his duly authorised representative on the date fixed and if nobody appeared it will be presumed that the management had nothing to say in the matter and the case will be proceeded *ex-parte*.

12. On the 1st August 1962 the Conciliation Officer submitted his Failure Report Exhibit W. 2 in which it is mentioned that no one appeared on behalf of the management and therefore no settlement could be possible.

13. In the present case also, the management has adopted the same delaying tactics and in spite of taking time after time has not even filed its written statement and when finally it was granted time as a special case to file its written statement on payment of cost, the management did not even till today filed its written statement nor did it pay the cost. In these circumstances, it is manifest that the attitude of the management is most unjustified and it is shirking its responsibility to face the hearing of the case just to shield its *malafide* acts.

14. On the uncontroverted evidence of the workman, W.W. 1, it is clear that his services were terminated without any enquiry being made into the charge sheet which was served on him, which is illegal and not justified.

15. For these reasons, I answer the reference in favour of the workman concerned by holding that the management of Diamond, Tetturiya colliery was not justified in terminating the services of Shri Jamiruddin Mia, Haulage Mazdoor, with effect from 6th July, 1962, and, therefore, the order terminating his services Exhibit W, on 6th July, 1962 is set aside and he is reinstated from 6th July, 1962 to his previous job with full back wages etc. from 6th July, 1962 upto the date of his reinstatement.

16. Ordinarily I do not allow cost to any party in order to create good feelings between them, but in this case the attitude of the management is so condemnable that I am compelled to allow cost to the workman concerned against the management which I assess at Rs. 100/-. Besides this the concerned workman will also get Rs. 32/- the cost awarded to him and made payable by the management to the workman concerned.

17. This is the award which I make and submit to the Government of India under Section 15 of the Act.

Dhanbad, the 30th December, 1963.

Sd./- RAJ KISHORE PRASAD,
Presiding Officer,
Central Government Industrial Tribunal,
Dhanbad.
[No. 2/89/62-LR.II.]

New Delhi, the 20th January 1964

S.O. 321.—In exercise of the powers conferred by section 4 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following

further amendments in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 3254, dated the 17th October, 1962, namely:—

In the Table annexed to the said notification in column 3—

(i) against serial No. 9, for the entries "The States of Punjab and Uttar Pradesh and the Union Territories of Delhi and Himachal Pradesh, and the State of Jammu and Kashmir in relation to industrial disputes concerning workmen employed under the Government of India", the entries "whole of India but with regard to the State of Jammu and Kashmir, the jurisdiction extends only in relation to industrial disputes concerning workmen employed under the Government of India" shall be substituted;

(ii) against serial No. 21, for the entries "The State of Bihar", the entries "Whole of India but with regard to the State of Jammu and Kashmir, the jurisdiction extends only in relation to industrial disputes concerning workmen employed under the Government of India" shall be substituted;

(iii) against serial No. 27, for the entries "The States of Madhya Pradesh and Rajasthan" the entries "Whole of India but with regard to the State of Jammu and Kashmir, the jurisdiction extends only in relation to industrial disputes concerning workmen employed under the Government of India" shall be substituted;

(iv) against serial No. 35, for the entries "The States of Madras, Mysore and Kerala", the entries "Whole of India but with regard to the State of Jammu and Kashmir, the jurisdiction extends only in relation to industrial disputes concerning workmen employed under the Government of India" shall be substituted;

(v) against serial No. 39, for the entries "The States of Orissa and Andhra Pradesh", the entries "Whole of India but with regard to the State of Jammu and Kashmir, the jurisdiction extends only in relation to industrial disputes concerning workmen employed under the Government of India" shall be substituted.

[No. F. 1/74/63-LR.I.]

ORDERS

New Delhi, the 15th January 1964

S.O. 322.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the West Jhagrakhand Colliery, Post Office Jhagrakhand Colliery (District Surguja, Madhya Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether the dismissal of the following workmen from the service of the colliery with effect from the 23rd June, 1953 is justified? If not, to what relief they are entitled?

1. Shri Kishore s/o Balwant.
2. Shri Ramnu s/o Changur.
3. Shri Banarshi s/o Ramdhari.
4. Shri Binda s/o Vigurashan.
5. Shri Banta s/o Darshan.

[No. 5/55/63-LR.II.]

S.O. 323.—Whereas, the Central Government is of opinion that in industrial dispute exists between the employers in relation to the Jamadoba Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora, (District Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

1. Whether the dismissal of Shri Balaram, Haulage Khalasi, Ticket No. 25593, of Jamadoba Colliery by the management of the said Colliery with effect from the 18th January, 1962 was justified?
2. If not, to what relief is the workman entitled?

[No. 2/72/63-LR.II.]

New Delhi, the 16th January 1964

S.O. 324.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bhagatdih Colliery No. 14 (Ena Colliery) of Messrs Bangal Nagpur Coal Company Limited, Post Office Jharia and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

1. Whether Sarvashri Ram Kesan Yadav and Shiv Balak Singh, were employed as Night Guards of Bhagatdih Colliery No. 14 (Ena Colliery) of Messrs Bangal Nagpur Coal Company Limited, Post Office Jharia (District Dhanbad)?
2. If so whether the termination of their service from the 13th July, 1963 was justified?
3. If not, to what relief are they entitled?

[No. 2/85/63-LR.II.]

New Delhi, the 20th January 1964

S.O. 325.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Kusunda and Nayadee Colliery of Messrs Kusunda and Nayadee Collieries Company Private Limited, Post Office Kusunda and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the suspension of Shri Gufur Mia, Winding Engine Khalasi of Kusunda Colliery of Messrs Kusunda and Nayadee Collieries (Private) Limited for the period from 9th July, 1963 to 18th July, 1963 by the management of the said Colliery was justified. If not, to what relief is the workman entitled.

[No. 2/55/63-LR.II.]

A. L. HANDA, Under Secy.

New Delhi, the 18th January 1964

S.O. 326.—In exercise of the powers conferred by section 4 of the Iron Ore Mines Labour Welfare Cess Act, 1961 (58 of 1961), read with sub-rule (3) of rule 3 of the Iron Ore Mines Labour Welfare Cess Rules, 1963, the Central Government hereby constitutes the Advisory Committee for the States of Madhya Pradesh and Maharashtra consisting of the following members, namely:—

- | | |
|---|---|
| 1. Labour Commissioner, Indore. | Chairman,
(Officer recommended by the Government of Madhya Pradesh). |
| 2. Regional Labour Commissioner (Central), Jabalpur. | Vice-Chairman,
(Officer of the Central Government). |
| 3. Deputy Commissioner of Labour, Nagpur. | Officer recommended by the Government of Maharashtra. |
| 4. Shri Gangaram Tiwari, Member of the Legislative Assembly, Madhya Pradesh, Bhopal. | Member of the Legislative Assembly. |
| 5. Shri D. K. Basu, Superintendent of Ore Mines and Quarries, Hindustan Steel Limited, Bhilai. | } Representatives of the iron ore mines owners of Madhya Pradesh and Maharashtra. |
| 6. Shri Govind Prasad Sharma, Owner of Pratappura Iron Ore Mine, P.O. Mazgana, Madhya Pradesh. | |
| 7. Shri B. M. Gogate, Gogate Mines, P.O. Redi, District Ratnagiri. | |
| 8. Shri Prakash Roy, Secretary, Samyukta Khadan Mazdoor Sangh, Rajnandgaon. | } Representatives of iron ore mine workers of Madhya Pradesh and Maharashtra. |
| 9. Shri Hement Deshmukh, General Secretary, Steel Workers' Union, Bhilai. | |
| 10. Dr. S. L. Kashikar, President, Indian National Trade Union Congress, Nagpur. | |
| 11. Shrimati Minimata Agamdas Guru, Member of Parliament, Khandawa, P.O. Simga, Tahsil Baloda Bazar, District Raipur. | Woman representative. |

2. The headquarters of the Advisory Committee shall be at Indore.

[No. 10(1)62-MIII.]

R. C. SAKSENA, Under Secy

New Delhi, the 20th January 1964

S.O. 327.—In pursuance of the provisions of sub-paragraph (1) of paragraph 19 of Employees' Provident Funds Scheme, 1952, made under section 5 of the Employees' Provident Funds Act, 1962 (19 of 1952) and in supersession of the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2100, dated the 17th July, 1963, published in Section 3(ii) of Part II of the Gazette of India of the 27th July, 1963, the Central Government hereby appoints Shri A. P. Vecra Raghavan as the Commissioner for the Employees' Provident Fund with effect from the fore-noon of the 20th January 1964, for the territories to which the said Act extends,

[No. 15(18)63-PF-I.]

SHAH AZIZ AHMAD, Dy. Secy

COLLECTORATE OF CUSTOMS AND CENTRAL EXCISE, GOA

ORDER

Panjim, the 11th December 1963

SUBJECT:—Applicability of the F.R. and the S.R. to the Staff of the former Directorate of Customs—reg.

S.O. 328.—In exercise of the powers conferred on me by Clause 2 of the Goa, Daman and Diu (Administration) Removal of Difficulties Order 1962 read with

Notification No. 1/8/62-Cus dated 23rd August, 1963, I hereby order that for purposes of allowances for journeys on public duty such as tour and transfer, the staff of the former Directorate of Customs Services transferred to the Ministry of Finance (Department of Revenue), will be governed by the Fundamental Rules and the Supplementary Rules and the orders issued thereunder by the Government of India from time to time. This order will be effective from 1st November, 1963.

[No. 1/112/63-Adm. Cus.]

C. T. A. PILLAI,

Collector of Customs and Central Excise.

THE MADRAS CENTRAL EXCISE COLLECTORATE, MADRAS

Madras, the 19th December 1963

S.O. 329.—In exercise of the powers conferred by Section 8 read with sub-section 3 of section 180 of the Customs Act, 1962 (52 of 1962) the Collector hereby makes the following amendment in the Notification of the Central Board of Revenue No. 27-Customs dated the 12th July, 1960, namely:—

"For the existing entries against the Port of Tuticorin, substitute the following:—

Name of port	No. of wharf	Name of the owner	Limits of the wharf	Particulars of classes of goods to be dealt with	The manner of dealing with them
1	2	3	4	5	6
Tuticorin	1	Tuticorin Port Trust Board.	The Trusts' Piers and wharves within the compound wall of the foreshore bounded on the West by the Beach Rd., on the South by the flag staff of the "Lady of Snows" Church, on the North by the North Compound wall and on the East by the sea.	Coal, General cargo, Machinery, Live stocks.	Loading & un-loading.
Do.	2	Do.	The portion of the foreshore opposite to Comorin Trading Investment Co., bounded on the West by the South Beach Road, on the South by the Meteorological Observatory, on the North by the old dry dock and on the East by the sea.	Firewood	Do.
Do.	3	Do.	The unreclaimed foreshore opposite to M/s Madura Mills where the Port Trust timber ramp is situated.	Timber	Do.
Do.	4	Do.	The jetty in front of Veppalodai Salt Factory at Veppalodai.	Salt	Do.

A. K. ROY,

Collector of Central Excise, Madras.

